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INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

HEARINGS BEFORE THE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD EIGHTY-FIFTH CONGRESS FIRST SESSION

PURSUANT TO SENATE RESOLUTION 74, 85TH CONGRESS

JULY 1, AUGUST 14, 15, 16, AND 19, 1957

PART 12

Printed for the use of the Select Committee on Improper Activities in the
Labor or Management Field



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SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR
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**May be found in the printed record.

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

MONDAY, JULY 1, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 4:10 p. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senators John L. McClellan, Democrat, Arkansas; John F. Kennedy, Democrat, Massachusetts; Sam J. Ervin, Jr., Democrat, North Carolina; Pat McNamara, Democrat, Michigan; Barry Goldwater, Republican, Arizona; Karl E. Mundt, Republican, South Dakota; Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome Adlerman, assistant counsel; Paul Tierney, assistant counsel; Ruth Young Watt, chief clerk.

(Members of the committee present at the convening of the session: Senators McClellan, Ervin, McNamara, Goldwater, Mundt, and Curtis.)

The CHAIRMAN. The committee will come to order.

Mr. Joseph Curcio, come forward, please.

Gentlemen, be seated.

Before we proceed, the Chair wishes to make this preliminary statement for the record.

The United States Senate, by Resolution No. 74, of the 85th Congress, on January 30, 1957, established a select committee of the Senate which was authorized and directed to conduct an investigation and study of the extent to which criminal or other improper practices or activities are, or have been, engaged in, in the field of labor-management relations or in groups or organizations of employees or employers to the detriment of the interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities.

The Chair may state that for quite some time a preliminary investigation has been under way by the staff of this committee, by the direction of the committee, in the New York area, looking into certain activities and practices of certain unions and management in the New York area.

I have directed the staff, prior to this hearing, to give counsel for the witness that we shall call a copy of this resolution, together with our rules of procedure.

Mr. Joseph Curcio was at one time an officer of the UAW-AFL Amalgamated Local No. 649, in New York City, and was a regional director, or acting in such capacity, for the United Auto Workers of America-AFL, later known as the Allied Industrial Workers of America, AFL-CIO, and that Mr. George Baker, also known as Mr. George Semelmacher, was an officer of local 649. We have evidence that Mr. Curcio, both as an officer of local 649, and as regional director, filed certain per capita reports with the international union, copies of which were retained by the regional office and locals prior to the time that the charters of these locals were revoked and the regional office discontinued. These records are necessary and essential to the committee in the conduct of its investigation to determine whether any improper practices were indulged in. It is only by ascertaining such facts that the committee and the Congress can determine whether existing laws are sufficient. Such information is required to determine whether further legislation is necessary to prevent abuses and improprieties and to protect the honest labor members from dishonest officials.

We have excellent reason to believe that these records are still in Mr. Curcio's possession, custody, and control, and we have demanded that he produce these records as called for by subpoena.

Mr. Curcio, stand and be sworn, please.

(The witness conferred with his counsel.)

The CHAIRMAN. Hold up your right hand.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CURCIO. I do.

TESTIMONY OF JOSEPH CURCIO, ACCOMPANIED BY COUNSEL, ARNOLD COHEN

The CHAIRMAN. Be seated. State your name, your place of residence, and your business or occupation.

Mr. CURCIO. Joseph Curcio, 137-45 70th Road, Flushing, N. Y.

The CHAIRMAN. What is your occupation, or business?

Mr. COHEN. Mr. Chairman, at this time, the witness asks that the camera or television—the cameras and lights not be directed on him.

The CHAIRMAN. That is a matter that addresses itself to the discretion of the committee. We would like to cooperate with you, and hope, in turn, you will cooperate with us. For the present, without objection, the Chair is going to instruct the lights to be turned off the witness, and no television pictures will be made of him. We are doing that as a courtesy to the witness.

We hope the witness will, in turn, cooperate with us.

I ask what is your name, your place of residence, and your business or occupation. You have given me your name and your place of residence. Will you state your business or occupation?

(The witness conferred with his counsel.)

Mr. CURCIO. I am a union official.

The CHAIRMAN. I beg your pardon?

Mr. CURCIO. A union official.

The CHAIRMAN. Thank you very much.

Senator MUNDT. Would you tell us what union, Mr. Curcio? You did not tell us what union.

Mr. CURCIO. Local 269 of the teamsters.

Senator MUNDT. Local 269 of the teamsters?

Mr. CURCIO. That is right, sir.

Senator MUNDT. Thank you.

And what is your title? You said you were an official.

Mr. CURCIO. Secretary-treasurer.

Senator MUNDT. Of that local?

Mr. CURCIO. Yes, sir.

Senator MUNDT. Right.

The CHAIRMAN. I note you have counsel with you.

You have a right, under the rules of the committee, to have counsel present during the time you testify to advise you regarding your legal rights.

Mr. Counsel, will you identify yourself for the record, please?

Mr. COHEN. Arnold Cohen, a member of the New York State bar, 2 Lafayette Street, New York City, N. Y.

The CHAIRMAN. That is your office address?

Mr. COHEN. My office address.

The CHAIRMAN. Thank you.

Mr. Cohen, may I ask you if you have been supplied with a copy of the rules of the committee?

Mr. COHEN. Yes, Mr. Chairman, about 5 minutes before I walked into the hearing room, one of the members of the staff, Mr. Kennedy, gave me a copy of the rules.

The CHAIRMAN. As soon as you arrived, you received a copy of them?

Mr. COHEN. As soon as I arrived.

The CHAIRMAN. Thank you very much.

You may glance at them, and if there is any question that arises, we will both look at them and determine what the rules say.

All right, Mr. Curcio, I hand you here what purports to be a copy of a subpoena, and ask you to examine it and state whether you identify it as a copy of the subpoena that was served on you for this committee.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. CURCIO. It is the same, sir.

The CHAIRMAN. Thank you very much.

The subpoena will be printed in the record at this point.

(Subpoena referred to follows:)

L-758

UNITED STATES OF AMERICA

CONGRESS OF THE UNITED STATES

To: Joseph Curcio, Local 269, Teamsters, 135-23 Northern Boulevard, Flushing 54, N. Y.

GREETING: Pursuant to lawful authority, you are hereby commanded to appear before the Senate Select Committee on Improper Activities in the Labor or Management Field of the Senate of the United States, on, forthwith, -----, 195--,

at ----- o'clock at their committee room, 101 Senate Office Building, Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and produce all records in your possession, custody, or control, relating to per capita dues payments or per capita reports made by any former New York area local of the AFL-CIO including but not limited to: Originals or carbon copies of forms 266, 267, SS 133, lists of amalgamated units, dues stamps records, official receipts from for international aforesaid, records of receipts, transmission, or return of funds for per capita dues, all books and records, canceled checks, check stubs and bank statements for any subregional account, all correspondence to or from John Dioguardi or Joseph Curcio with the international aforesaid or with any affiliated local aforesaid for the period July 1, 1950, to February 28, 1957.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To ----- to serve and return.

Given under my hand, by order of the committee, this 11th day of June in the year of our Lord nineteen hundred and fifty-seven.

(Signed) JOHN L. McCLELLAN,

Chairman, Senate Select Committee on Improper Activities in the Labor or Management Field.

The CHAIRMAN. This subpoena shows it was served on June 25, 1957. The subpoena reads that you are, among other things commanded to appear at the committee room, 101 Senate Office Building, Washington, D. C., and then and there to testify what you may know relative to the subject matters under consideration by said committee, and produce all records in your possession, custody, or control relating to per capita dues payments or per capita reports made by any former New York area local of the United Auto Workers of America, AFL, and/or all Allied Industrial Workers of America, AFL-CIO, including, but not limited to originals or carbon copies of forms 266, 267, SS 133, lists of amalgamated units, dues stamp records, official receipts from the international aforesaid, records of receipts, transmission or return of funds for per capita dues, all books and records, canceled checks, check stubs, and bank statements for any subregional account, all correspondence to or from John Dioguardi or Joseph Curcio with the international aforesaid, or with any affiliated local aforesaid for the period July 1, 1950, to February 28, 1957.

That was the order of the subpoena. Mr. Curcio, have you brought the records as directed?

(The witness conferred with his counsel.)

Mr. CURCIO. Yes, sir. I have brought whatever records are in my custody, possession or control.

The CHAIRMAN. Thank you very much. May I inquire, were you a member of the United Auto Workers of America, AFL, or Allied Industrial Workers of America, AFL-CIO?

(The witness conferred with his counsel.)

Mr. CURCIO. At one time; yes, sir.

The CHAIRMAN. How long ago?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer on the grounds that I may tend to incriminate myself.

(At this point, Senator Kennedy entered the hearing room.)

The CHAIRMAN. You said you were at one time a member of the United Auto Workers of America, AFL, and the Allied Industrial Workers of America. You answered that in the affirmative. It is the Allied Industrial Workers of America, AFL-CIO. You have answered that in the affirmative.

The Chair asks you again what period were you a member of those organizations, or either organization?

Mr. CURCIO. I most respectfully, sir, must refuse to answer on the grounds that I may tend to incriminate myself.

The CHAIRMAN. Gentlemen, for the record—

Senator MUNDT. Has that union been engaged in some illegal activities so that your connection with it might be self-incriminating?

(The witness conferred with his counsel.)

Mr. COHEN. May I, at this time, make the following statement to the committee—

The CHAIRMAN. Just a moment.

Gentlemen, when a witness answers that he has been a member of that organization, I think we are entitled to know when he was a member. I do not think he can take the fifth amendment on that, having been a member and acknowledging that he was a member.

I do not see how the date would incriminate him, the period of time. Unless there is objection on the part of the committee, and with the committee's consent, the Chair is going to order and direct the witness to answer the question. What period of time were you a member of such an organization or organizations?

(The witness conferred with his counsel.)

Mr. COHEN. May I, at this time on behalf of the witness, inform the committee that since February or March of 1956, the United States attorney for the southern district of New York before the grand jury for that district, has been conducting an investigation into the practices of certain labor organizations; that Mr. Curcio has been subpoenaed and has appeared before that grand jury on numerous occasions, and he exercised before the grand jury what he believed in good conscience to be his constitutional rights.

The subject matter that is now being inquired into by the chairman's question was a subject matter being inquired into by the investigation conducted by the United States attorney.

The CHAIRMAN. Let me ask you a question, Mr. Attorney. Was your client indicted?

Mr. COHEN. My client was indicted for contempt—was held in contempt, and appeared before Judge Noonan of the southern district of New York; was convicted by Judge Noonan.

An appeal was taken from that conviction and the United States Supreme Court, in case No. 280 of the October determination of 1956, in the case of the United States of America against Joseph Curcio as the petitioner, reversed that conviction at that time.

The CHAIRMAN. Was the case dismissed or reversed?

Mr. COHEN. It was dismissed.

The CHAIRMAN. So there is no indictment pending against your client at this time?

Mr. COHEN. But my client has been investigated and has been brought before this grand jury after these proceedings had been initiated.

The CHAIRMAN. That does not answer my question. Is your client under indictment at the present time?

Mr. COHEN. No, thank God.

The CHAIRMAN. Well, we agree with you, so we will proceed.

The Chair orders and directs your client, directs the witness, to answer the question propounded to him: For what time were you a member of those organizations?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Let me ask you further. You say you brought records with you according to this subpoena, all that were in your control, in your possession, in your control or supervision; is that correct?

Mr. COHEN. Possession, custody, or control, sir.

The CHAIRMAN. Just a moment, Mr. Counsel. I want the witness to answer this question.

Mr. CURCIO. Possession, control and custody.

The CHAIRMAN. Possession, control and custody. Did you bring all those records?

Mr. CURCIO. Yes, sir.

The CHAIRMAN. Where are they, please?

Mr. CURCIO. They are here in the committee room.

The CHAIRMAN. They are here in the committee room?

Mr. CURCIO. Yes, sir.

The CHAIRMAN. Have those records been in your custody since their inception?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Are those records called for here your personal records or the records of the union?

Mr. CURCIO. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. With the permission of the committee, the Chair is going to order and direct you to answer that question. I do so order and direct you.

Mr. CURCIO. Most respectfully, sir, I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Are you prepared now, to deliver the custody of those records which you have brought here in response to this subpoena to the committee as directed by the subpoena?

Mr. CURCIO. Yes, sir.

The CHAIRMAN. All right. You may make delivery of them. Bring them around.

Set them right up here on the table.

Thank you. You may take the stand, again.

Let the record show at this point the witness delivered to the committee two boxes of what the witness says are the records that were in his possession, custody, or control that were called for by the subpoena referred to.

Mr. Witness, let me ask you this question: What are these records you have delivered to the committee?

(The witness conferred with his counsel.)

The CHAIRMAN. What do they consist of?

Mr. CURCIO. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. They may; I do not know. But you delivered them to the committee. You have identified them as the records in your possession. Let me ask you this question:

Are those all of the records that are in your possession, called for by the subpoena, or in your custody or control? Is that all of them? Is

what you have delivered here all that are in your possession, control, or custody?

Mr. CURCIO. Yes, sir.

The CHAIRMAN. You have no others?

Mr. CURCIO. No, sir.

The CHAIRMAN. No others as called for by this subpoena?

Mr. CURCIO. No, sir.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Mr. Curcio, this is a kind of curious situation. You can certainly tell us what you put in those boxes. That is all we are trying to find out. Did you put those records in the boxes yourself?

(The witness conferred with his counsel.)

Mr. CURCIO. Whatever the subpoena called for, that is what we have been advised to bring, and I am being advised by my attorney. I am not a lawyer.

Senator MUNDT. Do you know what is in the boxes? That is a simple question. Do you know what is in those boxes?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer on the grounds it may tend to incriminate me.

Senator MUNDT. What are you bringing us? Are you bringing us a bunch of boxes? Certainly you know whether you have records, shoes, or cabbages. What have you got in the box?

(The witness conferred with his counsel.)

Mr. CURCIO. The records in answer to the subpoena.

Senator MUNDT. Did you put them in the box yourself?

Mr. CURCIO. I must refuse to answer on the grounds it may tend to incriminate me.

Senator MUNDT. Is that the normal filing system in the union office? Is that where you keep them? You prepared them. You transferred them into the boxes, did you not, to bring them down here?

Mr. CURCIO. I must refuse to answer on the grounds it may tend to incriminate me.

(At this point, Senator Kennedy withdrew from the hearing room.)

The CHAIRMAN. Let me ask you if there are any other records of these unions referred to in the subpoena. Were there other records which are not now in your possession, control or custody?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Well, are you saying you brought all of the records, or just only those that were left in your custody, control and possession?

(The witness conferred with his counsel.)

Mr. CURCIO. I brought the records that were left in my control, possession, and custody.

The CHAIRMAN. Then you have had other records belonging to the union, which this subpoena called for prior to the time that the subpoena was served, have you?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. You do not mean to claim that some of them have become lost, do you?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Do you claim that they have been stolen or misplaced?

(The witness conferred with his counsel.)

Mr. CURCIO. Again, I must refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Let me ask you this: Are these records or you under the union rules, charter, regulations and so forth, you as secretary-treasurer, or were you, the custodian, the proper custodian, of these records under the laws, bylaws, charter, rules, and regulations of the unions to which they refer?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer on the grounds it may tend to incriminate me.

Senator MUNDT. Mr. Curcio, who is Harry Davidoff?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer on the grounds it may tend to incriminate me.

Senator MUNDT. You are bringing us records which are ostensibly signed by Harry Davidoff.

Mr. COHEN. May I make this statement to the committee——

Senator MUNDT. If you can tell me who Harry Davidoff is it will be helpful.

Mr. COHEN. I can advise my client and project those views to the committee. The witness in answer to the subpoena has produced records that were in his possession, custody, and control. He is relying on his constitutional guaranty and on the opinion as stated by the United States Supreme Court in the case of the United States against Joseph Curcio, insofar as giving any testimony on any matters relating to those records.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Curcio, do these records you have supplied us contain any correspondence between yourself or the union and Mr. Joe Dioguardi?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer on the grounds it may tend to incriminate me.

Senator GOLDWATER. Do they contain any correspondence between yourself or your union and John Dioguardi?

Mr. CURCIO. Senator, I must refuse to answer on the grounds it may tend to incriminate me.

Senator GOLDWATER. You stated that you brought the records in compliance with this subpoena, and one of the requirements of the subpoena was that you would supply us with correspondence between yourself or your union and John Dioguardi. Do you deny that such correspondence is in this collection of papers?

(The witness conferred with his counsel.)

Mr. CURCIO. I have produced whatever records were in my possession or that was in my custody.

Senator GOLDWATER. Do you have knowledge that among these papers is correspondence between yourself, your union, and Mr. Dioguardi?

Mr. CURCIO. I must refuse to answer on the grounds it may tend to incriminate me.

Senator GOLDWATER. Let me ask you another question. Are these the records that you kept complete between July 1, 1950, and February 28, 1957?

Mr. CURCIO. I must refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. The Chair is going to order and direct you to answer that question, with the permission of the committee.

You say you are complying with the subpoena. The question is: Are there any other records, or were these all of the records, kept between the dates of July 1, 1950, and February 28, 1957? That is what the subpoena called for.

The Chair is going to order and direct you to answer that question. (The witness conferred with his counsel.)

Mr. CURCIO. These are all the records that are in my custody, possession, and control called for by the subpoena.

Senator GOLDWATER. Does that period—

Mr. COHEN. May I respectfully submit the subpoena does cover that period, sir, from 1950 to 1957.

Senator GOLDWATER. That is what I am asking, and he has not answered.

Mr. COHEN. He is relying upon his constitutional guaranties of not being required on the ground it might incriminate him to give any testimony relating to any of the records he has produced. He has produced all the records, and he has testified here, in compliance with this subpoena, that were in his possession, custody, or control. Those records are now on the committee table. If we had made a receipt, we would have given the receipt to the committee.

But there is no receipt made, because the records are of such a nature that we feel that the committee will categorize them and catalog them in their own way.

Senator GOLDWATER. Cannot Mr. Curcio answer the simple question: Are these all the records between July 1, 1950, and February 28, 1957?

(The witness conferred with his counsel.)

Mr. CURCIO. Whatever was in my control or custody or possession I have produced according to the subpoena.

The CHAIRMAN. That is not an answer to the question. Ask the question again and the Chair will order and direct him to answer.

Senator GOLDWATER. Are these all the records over which you have had custody or control between July 1, 1950, and February 28, 1957, as called for by the subpoena?

(The witness conferred with his counsel.)

Mr. CURCIO. At the time of the service of the subpoena these were all the records that were in my custody, possession, or control.

Senator GOLDWATER. Covering those dates between July 1, 1950, and February 28, 1957?

(The witness conferred with his counsel.)

Mr. CURCIO. In compliance with the subpoena, Senator, whatever period was called for.

The CHAIRMAN. Just one moment. The Chair wants to make a suggestion to counsel. We try to be very indulgent when counsel is undertaking to help the witness with the facts or something to refresh his memory, something in that way, if he is in error about something and counsel knows it. But the counsel's privilege in appearing here before the committee is for one purpose, and that is to advise the witness of his legal rights and not to put words into his mouth in that nature of testimony for him to give.

I think I am observing some action along that line of suggesting to the witness what he should say.

Mr. COHEN. The chairman is in error. The counsel is not suggesting any answers to the witness. He is advising him of his rights.

The CHAIRMAN. We will be glad for you to advise. But I wanted you to know that putting words in his mouth is not permitted, and if you are not doing it, all right. But if I find counsel is doing that in spite of my warning and admonition, the committee will take appropriate action. Proceed.

Senator GOLDWATER. Mr. Chairman, the witness has not answered my question, yet.

The CHAIRMAN. Ask it again and let us see whether the Chair and committee will order him to answer it.

Senator GOLDWATER. All I want to know is: Are these all of the records from July 1, 1950, to February 28, 1957, that came under your custody and control?

Mr. CURCIO. Whatever records were in my possession and control I have delivered according to the subpoena.

Senator GOLDWATER. You still have not answered the question, Mr. Curcio. I have asked you a question covering two dates, July 1, 1950, to February 28, 1957. Do these boxes that you have turned over contain those records, between those dates?

Mr. COHEN. May I—

Senator GOLDWATER. No; I have asked the witness.

Mr. COHEN. I believe the witness has answered.

Senator GOLDWATER. The witness has not answered. All it takes is a yes or no.

The CHAIRMAN. Just a minute.

Mr. COHEN. There are certain parts of that question—

Senator GOLDWATER. I have asked a question about the completeness of this, covering these dates. All I am asking for is a yes or no. Please, Mr. Counsel, I am asking the witness. I am asking the witness.

Mr. CURCIO. Senator, I have delivered whatever records were in my possession, custody, or control.

The CHAIRMAN. That is not an answer to the question.

Did you have other records than these in your possession, custody or control that are called for by the subpoena between the dates of July 1, 1950, and February 28, 1957?

You stated over and over that you delivered the records that were in your possession at the time the subpoena was served. The question is: Were there other records besides these in your possession called for by the subpoena prior to the date you were served, and between the dates of July 1, 1950, and February 28, 1957?

I have made the question just as clear as I can. If there is anything you do not understand about it, we will undertake to clarify it. But the question calls for an answer.

Your previous answers are not responsive to the question.

The Chair orders and directs you to answer the question, unless you ask for some clarification of it.

Mr. CURCIO. I must repeat my same answer, Senator, that I have delivered all records that were in my possession, custody, or control according to the subpoena.

The CHAIRMAN. The Chair does not accept that as an answer to the question.

I will repeat the question one more time.

(The witness conferred with his counsel.)

The CHAIRMAN. Were there other records called for by this subpoena in your possession between the dates of July 1, 1950, to February 28, 1957, that you have not delivered to the committee, or that were not in your possession on the date the subpoena was served?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. The Chair, with the permission of the committee, orders and directs you to answer that question.

Do you decline?

(The witness conferred with his counsel.)

Mr. CURCIO. I decline, sir.

The CHAIRMAN. All right.

There is no misunderstanding about it.

Let me ask you further: Are the records that you delivered here today your personal records or are they records of the unions?

Mr. CURCIO. I must refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. The Chair, with the permission of the committee, orders and directs you to answer that question, whether they are your personal records or records of the union.

(The witness conferred with his counsel.)

Mr. CURCIO. I must decline on the grounds of the fifth amendment, sir.

The CHAIRMAN. Are there any further questions?

Senator McNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. I would like to ask a couple of questions. You indicate that you are currently secretary-treasurer of a teamsters local 269; did I understand correctly?

Mr. CURCIO. Yes, sir.

Senator McNAMARA. Is that an elected office?

Mr. CURCIO. Yes, sir.

Senator McNAMARA. Were you elected at a national convention or a State convention? How do you get this job?

Mr. CURCIO. At a membership meeting, sir.

Senator McNAMARA. You are a local-union officer, then?

Mr. CURCIO. Yes, sir.

Senator McNAMARA. Not an international officer?

Mr. CURCIO. No, sir.

Senator McNAMARA. Nor a regional officer?

Mr. CURCIO. No, sir.

Senator McNAMARA. Your full-time job is secretary-treasurer of local 269 of the teamsters, and you were elected at a rank-and-file meeting?

Mr. CURCIO. Yes, sir.

Senator McNAMARA. Thank you.

Senator ERVIN. How many members do you have in that local?

Mr. CURCIO. I must refuse to answer that question, sir.

Senator ERVIN. Do you have any in it, besides yourself?

Mr. CURCIO. Yes, sir.

Senator ERVIN. How many?

Mr. CURCIO. I must refuse to answer that, Senator, on the ground it may tend to incriminate me.

Senator ERVIN. Do you have as many as 50?

(The witness conferred with his counsel.)

Senator ERVIN. Do you have as many as 50 members, besides yourself?

(The witness conferred with his counsel.)

Mr. CURCIO. Yes, sir.

Senator ERVIN. Do you have as many as a hundred?

(The witness conferred with his counsel.)

Mr. CURCIO. I believe there are approximately 950 members, sir.

Senator ERVIN. 950 members?

Mr. CURCIO. Yes, sir.

Senator ERVIN. You are not stating to this committee that these records which you produced are all of the records for that local between the 1st of July 1950 and February 28, 1957?

Mr. COHEN. The Senator has the two unions slightly confused. Those records do not relate to anything dealing with the International Brotherhood of Teamsters. They deal with a former union affiliation, the United Auto Workers Union or the Allied Industrial Workers, a former association.

Senator ERVIN. Thank you. Are you stating to this committee that these are all of the records of the union during the period covered by the subpoena?

Mr. CURCIO. These are the records that were called for in the subpoena, that were in my possession, custody, and that I had.

Senator ERVIN. I asked you a very simple question. You are not testifying, however, that these are all of the records of that union for that particular period of time, are you?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer, Senator, on the ground that it might tend to incriminate me.

Senator ERVIN. In other words, you know that there are some other records that are called for by that subpoena in existence or were in existence that you are not producing; do you not?

Mr. CURCIO. Senator, I must refuse to answer on the ground that it may tend to incriminate me.

Mr. COHEN. May I respectfully call the Senator's attention to the nature of the subpoena that was served on the witness? It does not call for production of union records. It calls for what is known as per capita records and reports. Per capita is a payment from a local union to the international. Those are the records that were called for in this subpoena.

Senator ERVIN. What I am trying to ask——

Mr. COHEN. It is not union or local-union records, sir.

Senator ERVIN. Are those all of the per capita records of those organizations described in the subpoena for the period beginning on July 1, 1950, and ending on February 28, 1957?

Mr. CURCIO. Senator, these are all the records that I had in my custody or possession.

Senator ERVIN. That is not an answer. My question is whether that is all the records for that period, regardless of whether they were in your custody on the date the subpoena was issued to you or not.

Mr. CURCIO. Senator, I refuse to answer on the ground it may tend to incriminate me.

Senator McNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNAMARA.

Senator McNAMARA. Might I ask the nature of the 1,950 people? Are they generally truckdrivers, or are they warehouse workers? What is the nature of the membership of the union?

Mr. CURCIO. It is a varied mixture of different workers.

Senator McNAMARA. Do you have some truckdrivers?

Mr. CURCIO. Yes, sir.

Senator McNAMARA. Do you have some warehousemen?

Mr. CURCIO. Yes, sir.

Senator McNAMARA. The others are miscellaneous groups?

Mr. CURCIO. Different types of workers.

Senator McNAMARA. Predominantly what? What industry?

Mr. CURCIO. No particular industry, sir.

Senator McNAMARA. Building-trades people?

Mr. CURCIO. No, sir. Factory people.

Senator McNAMARA. Factory? Industrial?

Mr. CURCIO. Industrial workers.

Senator McNAMARA. The garment industry, for instance?

Mr. CURCIO. No, sir.

Senator McNAMARA. We are eliminating some things. What is the general area of the appointments of your people? Is it in miscellaneous, manufacturing, or what?

Mr. CURCIO. Yes, sir.

Senator McNAMARA. Miscellaneous?

Mr. CURCIO. Miscellaneous.

Senator McNAMARA. Comparatively small plants?

Mr. CURCIO. Yes, sir.

Senator McNAMARA. Considered generally feeder plants, is that it, supplying a large industry of some sort?

Mr. CURCIO. Well, they supply industry.

Senator McNAMARA. Do the plants generally have employees of less than 100 in number?

Mr. CURCIO. Yes, sir.

Senator McNAMARA. So it is sort of a catchall local, is that it?

Mr. CURCIO. We are interested in organizing the unorganized, Senator.

Senator McNAMARA. But not in the building trades?

Mr. CURCIO. No, sir.

Senator McNAMARA. Not in the garment industry?

Mr. CURCIO. No, sir.

Senator McNAMARA. But in miscellaneous industries, is that it?

Mr. CURCIO. Wherever there are plants where the plants are unorganized and the people wish for organization, we attempt to organize them.

Senator McNAMARA. Into the teamsters union?

Mr. CURCIO. Yes, sir.

The CHAIRMAN. Is there anything involved in that activity that might tend to incriminate you in attempting to organize them? You are very solicitous about them, it appears.

In engaging in understanding to organize them, is there something in your activity that if you told it, it might tend to incriminate you?

Mr. CURCIO. I don't believe so, sir.

The CHAIRMAN. All right, then, if it will not, let us ask some questions about it. How do you go about organizing them?

(The witness conferred with his counsel.)

Mr. CURCIO. Senator, I don't believe your question is pertinent to the investigation of this committee.

The CHAIRMAN. I will ask you this: What is a per capita tax?

Mr. CURCIO. A per capita tax?

The CHAIRMAN. Yes.

Mr. CURCIO. That is so much that goes to the international for each dues-paying member that pays dues into a local union.

Mr. COHEN. Senator, may I call it a levy imposed by the international upon the local unions, sir.

The CHAIRMAN. I am going to have you sworn in a minute, if you are going to do all of this testifying.

Mr. COHEN. I am trying to be cooperative with the committee.

The CHAIRMAN. We will ask for your cooperation as we need it. I do not want to have to warn you repeatedly. When I question the witness, if you want him to take the fifth amendment, advise him to take it. That is your privilege. When I question him, I want him to give the answers, if he answers.

You said it was not pertinent to inquire how you go about organizing. It may be very pertinent, and the Chair is going to insist that you answer, since you said there is nothing in it that might incriminate you. You testified to that under oath. I am going to ask you how you go about organizing, and do you expect an extortion from it.

I am going to ask you several questions.

You said you did not think it would incriminate you. Let us see. (The witness conferred with his counsel.)

Mr. CURCIO. Senator, I believe that I will—I think I will take the fifth amendment.

(The witness conferred with his counsel.)

Mr. CURCIO. After the last statement, Senator, I think the fifth amendment is best for me.

The CHAIRMAN. It may be.

Mr. CURCIO. Yes, sir.

The CHAIRMAN. You are probably a better judge of that than I am, though I doubt it.

Mr. CURCIO. Yes, sir.

The CHAIRMAN. Do you, in undertaking to organize them, use force and violence?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer that question, Your Honor.

The CHAIRMAN. In organizing them, after you get them organized,

do you cheat on their funds and take money that does not belong to you and misappropriate it and misuse it, union funds?

Mr. CURCIO. Senator, I must refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. So your first statement that there was nothing in organizing them that would tend to incriminate you—

Mr. CURCIO. Senator, I don't believe that anything that I can say here will be helpful to me. I think it best if I take the fifth amendment.

The CHAIRMAN. You think you better take the fifth amendment.

Mr. CURCIO. Yes, sir.

The CHAIRMAN. You think that is the safest course for you to pursue?

Mr. CURCIO. After the statement that has been made by the Honorable Senator McClellan, I believe it is the best stand for me to take.

The CHAIRMAN. Which statement do you refer to?

Mr. CURCIO. About extortion, Senator.

The CHAIRMAN. You think if you told about that, it might incriminate you?

Is that what you are saying?

Mr. CURCIO. No. I refuse to answer any question, Senator, on the grounds that I may be incriminated.

Senator ERVIN. Mr. Chairman, I respectfully submit that the chairman has made no statement, that the chairman merely put a question to the witness. Certainly the question of the chairman would not tend to incriminate the witness. The witness stated that anything he answered along this line would not tend to incriminate him.

Mr. CURCIO. I think any statement made, Senator, in the present atmosphere, wouldn't tend to do me any good.

Senator ERVIN. In other words, if you were to tell the truth, you think it would be harmful to you. Is that your position?

Mr. CURCIO. I must refuse to answer, Senator, on the grounds it may tend to incriminate me.

Senator ERVIN. In other words, you state that if you told the truth, the truthful answer that you gave would tend to incriminate you, would show that you were guilty of some offense, is that what you are saying?

Mr. CURCIO. Senator, I must refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. I wanted to find out a little more about these practices. I think the AFL-CIO International now has set up an ethical practices code about this taking of the fifth amendment. You are, as you have testified today, secretary-treasurer of teamsters local No. 269. I believe you said you took the fifth amendment before the New York grand jury. Is that true?

Mr. CURCIO. Yes, sir.

The CHAIRMAN. Has the AFL-CIO taken any action?

Well, they would not know about that.

They will know about this.

Is it true that you were convicted in 1944 on 4 different charges, sentenced to Danbury for 9 months on the 26th of February 1944; convicted again on a later date and sentenced to 9 months on May 25, 1944; on May 25, 1944 you got a writ of habeus corpus; on June

29, 1944 you were sentenced to 9 months and a \$100 fine, to run concurrently with a sentence then being served?

The first of these was for transporting untaxed alcohol, the second for possession of untaxed liquor, the third for possession of untaxed liquor, and the fourth for possessing a still? Do you think it might incriminate you to testify about that?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer, Senator, on the grounds that it may tend to incriminate me.

The CHAIRMAN. Do your union members know of this past record of yours?

Mr. CURCIO. I must refuse to answer, Senator, on the grounds of the fifth amendment.

The CHAIRMAN. I see here a charge against you as being a fugitive from justice. What happened to that charge?

(The witness conferred with his counsel.)

Mr. CURCIO. I must refuse to answer, Senator, on the grounds it may tend to incriminate me.

The CHAIRMAN. Is there anything further, Mr. Counsel?

Senator MUNDT. How long have you been——

The CHAIRMAN. I just wanted to ask you to see if that is the kind of officers that they have in unions, people who have been convicted of offenses like that.

Senator MUNDT. How long have you been secretary-treasurer of local 269?

Mr. CURCIO. I must refuse to answer on the grounds it may tend to incriminate me.

Senator MUNDT. Will you explain to me why telling us you are secretary-treasurer of a union is nonincriminating but it gets to be incriminating as to how long you have been secretary?

Mr. CURCIO. Senator, I must refuse to answer on the grounds of the fifth amendment.

Senator MUNDT. When did union 269 get its charter?

Mr. CURCIO. I must refuse to answer, Senator, on the grounds of the fifth amendment.

(The witness conferred with his counsel.)

Senator MUNDT. Is there something illegal about the way you got your charter?

Mr. CURCIO. I must refuse to answer, Senator, on the grounds it may tend to incriminate me.

Senator MUNDT. It could not incriminate you unless there was something illegal about the procurement of the charter. It is not illegal to get a charter. If you got it illegally, fraudulently, then you are entitled to take the fifth amendment. But you are certainly not entitled to take it if you got it in the normal process.

Mr. CURCIO. Senator, I must claim the fifth amendment.

Senator MUNDT. How much salary are you paid?

Mr. CURCIO. I must refuse to answer, Senator, on the grounds it may tend to incriminate me.

Senator MUNDT. Do the members of your union know how much salary you are paid?

Mr. CURCIO. I must refuse to answer, Senator, on the grounds it may tend to incriminate me.

Senator MUNDT. Do you think the members of your union are allowed to know how much salary you are paid?

Mr. CURCIO. I must refuse to answer, Senator, on the grounds it may tend to incriminate me.

Senator CURTIS. When was the last meeting of your union?

Mr. CURCIO. I must refuse to answer, Senator, by virtue of the fifth amendment.

Senator CURTIS. Have you had a meeting in 1957?

Mr. CURCIO. Senator, I must refuse to answer by virtue of the fifth amendment.

Senator CURTIS. A while ago the chairman was inquiring about the methods you used to organize. In such organizing practices, do you contact the employer?

Mr. CURCIO. I must refuse to answer on the grounds of the fifth amendment.

Senator CURTIS. Do you apply any pressure to the employer?

Mr. CURCIO. I must refuse to answer on the grounds of the fifth amendment.

Senator CURTIS. Do you threaten the employer that if he does not sign up his employees into the union that his place will be picketed?

Mr. CURCIO. I must refuse to answer on the grounds of the fifth amendment.

Senator CURTIS. Do you advise the employer that if he does not sign up his members to the union, that no goods will be delivered to his place of business?

Mr. CURCIO. Senator, I must refuse to answer on the grounds of the fifth amendment.

Senator CURTIS. What organizing practices do you engage in that would not incriminate you?

Mr. CURCIO. I must refuse to answer that on the grounds of the fifth amendment.

Senator CURTIS. I mean just those that would not incriminate you. What organizing practices do you engage in?

Mr. CURCIO. Senator, I am going to take the fifth amendment, which is afforded me under the Constitution of the United States.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

Senator GOLDWATER. I have two short questions, Mr. Curcio. In the course of your connection with your union, has your union ever contributed money to local politics, to either party?

Mr. CURCIO. Senator, with all due respect, I must refuse to answer on the grounds of the fifth amendment.

Senator GOLDWATER. Has your union contributed to politics on the Federal level?

Mr. CURCIO. Once, again, Senator, I must refuse to answer on the grounds of the fifth amendment.

Senator CURTIS. What officials in the teamsters international do you know?

(The witness conferred with his counsel.)

Mr. CURCIO. Senator, I must refuse to answer on the grounds of the fifth amendment, it may tend to incriminate me.

Senator CURTIS. What politicians do you know?

Mr. CURCIO. Senator, once again, I must refuse to answer on the grounds that it may tend to incriminate me.

Senator MUNDT. I would assume, Mr. Curcio, that the president of the local is a reputable fellow and not a criminal or a crook. I

will assume, therefore, that it would not be incriminating to you to tell us his name. Who is the president of your local?

Mr. CURCIO. Senator, I must refuse to answer on the grounds of the fifth amendment.

Senator MUNDT. Is he just a crook? You could not possibly protect yourself in a court case. I think your counsel will so advise you, declining to give us the name of the president of your union, unless he, perchance, is involved in some illegal activity. I would not think you would want to reflect on him unless, of course, he is a crook. I do not know who he is.

(The witness conferred with his counsel.)

Mr. CURCIO. The name is Allan Viggiano.

Senator MUNDT. Will you spell it for us?

Mr. CURCIO. V-i-g-g-i-a-n-o.

Senator MUNDT. And he is also elected by the local membership the same as you are?

Mr. CURCIO. Yes, sir.

Senator MUNDT. I did not think you should reflect on him needlessly if he was all right.

Mr. CURCIO. Yes, sir.

Senator MUNDT. All right.

The CHAIRMAN. Are there any other questions?

Senator CURTIS. For how long a period are the officers elected?

Mr. CURCIO. I must refuse to answer, Senator, on the grounds of the fifth amendment.

Senator CURTIS. Have you been elected more than once?

Mr. CURCIO. I must refuse to answer, Senator, on the grounds of the fifth amendment.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

The witness' testimony today is not complete. The primary purpose of having him here today was to determine whether he would produce records or whether we would have to take other action to get them. His further testimony will be required at a later date. With that understanding, and with your consent and agreement, that you remain under your present subpoena, subject to call, under the recognition of the committee to return when notified within a reasonable time—and we will give you reasonable notice, reasonable notice to either you or your attorney, when we will need you again—with that understanding, the committee will excuse you from further attendance today.

Do you agree?

Mr. CURCIO. Yes, sir.

The CHAIRMAN. And counsel also agrees?

Mr. COHEN. If we could get some adequate notice of the next hearing, we would appreciate it.

The CHAIRMAN. We will give it to you just as soon as the hearing is set. We will be glad to do that.

Mr. KENNEDY. Could I ask Mr. Cohen a question?

Mr. COHEN. Surely, Mr. Kennedy.

Mr. KENNEDY. We had a conversation on Friday, did we not, you and I, on the telephone?

Mr. COHEN. Late in the afternoon.

Mr. KENNEDY. Did we discuss the books and records that we wanted Mr. Curcio to produce?

Mr. COHEN. We discussed the subpoena.

Mr. KENNEDY. And we discussed what was in the subpoena?

Mr. COHEN. I don't recall going into the nature of the subpoena.

Mr. KENNEDY. Did you say that the contents of the subpoena, what was requested, were not available and Mr. Curcio was going to state that?

Mr. COHEN. I don't believe so, Mr. Kennedy. I believe I said that whatever answers Mr. Curcio would make would be made before the committee. I asked you for a few days adjournment, as I recall.

Mr. KENNEDY. Did you say to me that the records we had subpoenaed were not available, that Mr. Curcio would state that before the committee, and that if we asked him where the records were, he would then take the fifth amendment?

Mr. COHEN. I did not say that to you. I don't recall of ever saying that to you. I had no way of knowing where those records were. I did say this: I referred to the Curcio decision, and I said that he would protect his rights under that decision.

Mr. KENNEDY. We discussed other things, but you deny that we discussed this?

Mr. COHEN. I don't recall ever making that statement to you, Mr. Kennedy.

Mr. KENNEDY. Isn't it funny, I do recall it and it is vivid in my mind.

Mr. COHEN. I don't recall. The records are here, Mr. Kennedy.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. Mr. Cohen, are you the attorney for local 269?

Mr. COHEN. I am the attorney for local 269.

Mr. KENNEDY. And you are also the attorney for these gentlemen?

Mr. COHEN. I am the attorney for Mr. Curcio.

Mr. KENNEDY. Is that a separate situation or are you here also representing local 269?

Mr. COHEN. I am here representing Mr. Curcio today.

Mr. KENNEDY. You are on a fee basis?

Mr. COHEN. I am on a very nominal retainer from the union. I am representing Mr. Curcio, in answer to this subpoena.

Mr. KENNEDY. And you are advising him on what is best for the union; is that right?

Mr. COHEN. I am advising him on his constitutional rights and what I believe are the best interests of the union.

Mr. KENNEDY. When his rights conflict with the union's interests——

Mr. COHEN. I think that is something you and I would be in issue on, sir. We might have an honest dispute as to that subject.

Mr. KENNEDY. You do not think there is any conflict between the members of 269 and Mr. Curcio taking the fifth amendment before the committee?

Mr. COHEN. I don't believe so, sir. The exercise of a man's constitutional rights does not reflect on the work he does in his job or in the people he represents.

Mr. KENNEDY. Have you stolen any money from local 269?

Mr. COHEN. Has he stolen any money?

Mr. KENNEDY. Have you taken any money? Have you stolen any money?

Mr. CURCIO. I must refuse to answer, Mr. Kennedy, on the grounds it may tend to incriminate me.

The CHAIRMAN. Are there any other questions?

Bear in mind, gentlemen, Mr. Cohen is not a witness.

Mr. COHEN. I do not hesitate to answer these questions for the Senators.

Senator MUNDT. You heard the witness say that he took the fifth amendment on the question of whether he stole any money. To develop the hypothesis, if it were true that he had stolen some money from union 269, would you not think there was a conflict then, between his constitutional rights and the interest of the union members?

Mr. COHEN. Had he been found guilty, and had he exhausted all of his appeals, I think there would be a conflict.

Senator MUNDT. I am saying hypothetically, had he stolen, quite regardless of whether he had been found guilty, had he stolen any, is that a conflict?

Mr. COHEN. Are you asking me that as an attorney?

Senator MUNDT. Correct.

Mr. COHEN. Usually, as an attorney, we wait to see what a jury will do. If he is found guilty, whether or not he was found guilty properly, whether or not his avenues of appeal have been exhausted.

I say to this committee, if my client were found guilty of stealing money, and all of the appeals were exhausted, I might take a different attitude. He has not, and he is not before this committee with any such charge.

Senator MUNDT. I am engaging purely in a hypothesis, but you are leading me now, to believe that had your client stolen the money, and your great capacity as a lawyer being able to get him a verdict of innocent from the jury, there would be no conflict of interest between him and the union members.

Mr. COHEN. I don't think that is a fair statement, Senator. I don't think attorneys try to get clients off in the manner you are suggesting. I think a man is due a trial by his peers.

Senator MUNDT. I am not a lawyer, but you do not think lawyers try to get people an innocent verdict if they are actually guilty?

Mr. COHEN. I think you should discuss that with counsel closer to the interests of this committee. I think we would have conflict there, too. I respect the Constitution of the United States.

Those constitutional guaranties were in those books long before we came on the scene and they will be here long after we leave. My life has been dedicated and devoted. I have no doubt or hesitancy to tell this committee that I have great love for those individual, personal guaranties and freedoms. That is the way I have conducted my professional life.

Senator MUNDT. I am glad to hear that.

Mr. COHEN. And I represent more than 20 unions affiliated with the AFL-CIO, not only in New York, but Connecticut, New Jersey, and other States, for more than 20 years.

Senator GOLDWATER. Mr. Cohen, are you acquainted with the recently adopted code of ethics of the CIO-AFL?

Mr. COHEN. I am, sir.

Senator GOLDWATER. Could you tell me in your interpretation of those, if a union official takes the fifth amendment to protect himself, is he susceptible to the application of that code?

Mr. COHEN. I don't think that has been decided by the ethical practices committee as yet.

Senator GOLDWATER. It seems to me that it only applies if he is taking the fifth amendment to protect himself. If he is taking the fifth amendment to protect his union, I understand he is not subject to disciplinary action; is that correct?

Mr. COHEN. I think the Senator has given a fair version of one of the interpretations of the code.

Senator GOLDWATER. So it would be safe to assume that if Mr. Curcio here today is taking the fifth amendment to protect the records of his union, that he would not be subject to disciplinary action under the code of ethics of the AFL-CIO?

Mr. COHEN. I can't speak for the ethical practices committee. Messrs. Potofsky, Dubinsky, Hayes, Harris—with this counsel—they will make their decision.

Senator GOLDWATER. I was hoping in your capacity as a lawyer, representing 20 different unions, you could tell us. I think I read in the papers yesterday or the day before that the case is that, like this gentleman, if he comes before us to protect his union and he takes the fifth amendment, that the AFL-CIO ethical practices code does not apply.

Mr. COHEN. I believe he has taken it in good conscience and they will look at it that way. I believe he is here to protect the interests of his members and himself. Certainly, his members.

Senator GOLDWATER. You feel he is pretty safe, then, as far as his position goes?

Mr. COHEN. I don't want to make any statement for the ethical practices commission. We believe in autonomy. They have their rights and they know what to do to exercise them.

Anybody who is subject to their jurisdiction would not want to make a statement at this time. I think they could very well take care of their own business.

The CHAIRMAN. Are there any other questions?

Senator McNAMARA. Mr. Chairman, along that line, I have a question.

Does not the code of ethical practices apply to local union officers as well?

Mr. COHEN. I interpret it so, sir, local union officers, too, sir.

The CHAIRMAN. The witness will remain under the recognizance that the Chair has given.

Mr. COHEN. If I may say, Baker at one time, I believe the committee knows, was an officer of local 649, and would not have anything to do with the international. I am not testifying, but he would testify that at no time did he ever have possession custody, or control of any records, and certainly, not those records here.

The CHAIRMAN. You may be excused for the present.

The committee will stand in recess, subject to the call of the chairman.

(Present at the taking of the recess were: Senators McClellan, McNamara, Ervin, Mundt, Goldwater, and Curtis.)

(Whereupon, at 5:20 p. m., the hearing in the above-entitled matter was recessed, to reconvene, subject to the call of the Chair.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

WEDNESDAY, AUGUST 14, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senators John L. McClellan, Democrat, Arkansas; Irving M. Ives, Republican, New York; John F. Kennedy, Democrat, Massachusetts; Pat McNamara, Democrat, Michigan; Karl E. Mundt, Republican, South Dakota; Barry Goldwater, Republican, Arizona; Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, chief assistant counsel; Paul J. Tierney, assistant counsel; Walter R. May, assistant counsel; Robert E. Dunne, assistant counsel; P. Kenneth O'Donnell, assistant counsel; Frank C. Lloyd, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the select committee present at the convening of the session were Senators McClellan, Ives, Goldwater, and Curtis.)

Mr. KENNEDY. Today we are going into the election for the presidency of joint council 16, and the prominent part that local 649 and the officers of local 649 played in that.

The first witness is Mr. Harry Davidoff.

The CHAIRMAN. Mr. Davidoff, will you come around, please?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DAVIDOFF. I do.

TESTIMONY OF HARRY DAVIDOFF, ACCOMPANIED BY HIS COUNSEL, JACQUES M. SCHIFFER

The CHAIRMAN. Will you state your name, your place of residence, and your business or occupation.

Mr. DAVIDOFF. My name is Harry Davidoff. I reside at 9212 Avenue B, Brooklyn.

The CHAIRMAN. Have you finished your answer?

Mr. DAVIDOFF. That is right.

The CHAIRMAN. What is your business or occupation?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. I think you fellows coming in here taking the fifth amendment on that are convincing every decent American citizen in this country that it might incriminate you if you told the truth.

Let counsel identify himself.

Mr. SCHIFFER. I am J. M. Schiffer, Rockville Centre, N. Y.

The CHAIRMAN. Proceed, Mr. Counsel.

Mr. KENNEDY. According to the information we have, Mr. Davidoff is now secretary-treasurer of local 258 of the teamsters. His history has been that he was with the Toy and Doll Workers, CIO, Local 130, and that he then transferred to Local 130 of the Toy and Doll Workers, AFL, and formed his own international with the Toy and Doll Workers.

He is one of those who was the recipient of what we call the "bouncing charter," local 228, of the UAW, and he had control of that after the time that the bouncing charter was supposed to have been withdrawn by the international.

Then on January 1, 1955, local 649, one of Mr. Dio's original locals, moved in with 130 and they merged, and he became financial secretary of 649.

Then on November 8, 1955, when the paper locals were set up, he became secretary-treasurer of local 258 of the teamsters, and he is presently still there.

According to the information that we have, he was arrested on December 14, 1933, and convicted for burglary at night, received a 3-year probation sentence.

In 1931 he was arrested for felonious assault with a knife and discharged, and in 1936 for having a gun in his possession. He was discharged.

In 1937, for grand larceny, and he was discharged. In 1938 for grand larceny of an automobile, and he was discharged. In 1939 for robbery, and he was acquitted.

In 1940, attempted extortion, and he was sent to the penitentiary. In 1942, vagrancy, dismissed.

In 1943, bookmaking, and he was convicted.

In 1957, it was extortion, and it is still pending.

Senator CURTIS. Mr. Counsel, how many convictions were there before he shows up in the labor movement?

Mr. KENNEDY. He was convicted of burglary, attempted extortion, and bookmaking, 3 convictions, and about 7 other arrests.

He is also known as "Little Gangy," and "Duff"; isn't that correct?

Mr. SCHIFFER. You are in error right there. He is not known as "Little Gangy," and maybe some of your other information is in error.

Mr. KENNEDY. Is it in error?

The CHAIRMAN. Let the witness testify if it is in error.

Mr. DAVIDOFF. I must respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Are any of the statements made about your career in error?

Mr. DAVIDOFF. I must respectfully decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Do you have an alias of "Little Gangy"?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Do you have an alias of "Duff"?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Are you now secretary-treasurer of local 258 of the teamsters?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Would you tell the committee the circumstances under which local 649 became associated with you, and you became secretary-treasurer of local 649 on January 1, 1955?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, according to the information that we have and the testimony before the committee, in late November and early December 1955, Mr. Davidoff and Joe Curcio had Mildred Warschauer and another secretary prepare the 5 letters, 5 of the 7 requests for the seating of delegates in the joint council 16.

Could you tell the committee the circumstances that led up to that?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Now, the five locals whose letters you and Joe Curcio prepared were locals 651, 258, 269, 284, and 362; is that correct?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Could you tell the committee whom you discussed this matter with prior to sending the letters into joint council 16 requesting seating?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, local 258 had no members up until July of 1956. And then, according to the information that we have, Mr. Davidoff then transferred 38 of the shops from local 649 to his local in the teamsters union, local 258. That is a different international. They went from local 649 of the UAW-AFL, to 258 of the teamsters.

Is that correct, Mr. Davidoff?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Did you discuss this with the membership prior to transferring them into the teamsters?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. At the same time, were there some shops taken from local 649 and transferred into local 269 of the teamsters by Joe Curcio.

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. The Chair presents to you a carbon copy of a letter bearing your signature, and on the bottom of the letter it is signed.

I don't believe it is dated. I will ask you to examine this and see if you wrote that letter or dictated it and if that is your signature.

(A document was handed to the witness.)

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. I ask you to examine it and state whether you have examined it or not.

Mr. DAVIDOFF. I have examined it.

The CHAIRMAN. Is that your signature?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Is there anything you can testify to without incriminating yourself?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. Make this exhibit 104.

(The document referred to was marked "Exhibit No. 104" for reference, and will be found in the appendix on p. 4869.)

Mr. KENNEDY. Now, Mr. Chairman, we understand that Mr. Davidoff was also one of those who participated in the collusive arrangement with certain businessmen and made contracts, so-called sweetheart contracts, to the detriment of the membership.

Specifically I am talking about the contract that was made with the All-Rite Belt Co., Inc., by local 269, where it was arranged that the company would pay \$96 to the union every month with a contract that was signed and which was a sweetheart contract, and with eight names that were listed, some of the names of people who no longer worked at All-Rite Belt Co.

Is that correct, Mr. Davidoff?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. We also have the information that Mr. Davidoff participated with his local in making a contract with the Seal-Tight Quilting Co., another contract which was a sweetheart contract, and at that time the local with whom Mr. Davidoff was associated requested \$1,000 from Mr. Fine to put an ad in the bulletin of local 649.

Would you tell us about that?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. The ad only cost \$500, and could you tell us what happened to the other \$500?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Could you tell us how the other officers were picked for the original teamster paper locals?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, here is the letter that was signed by Mr. Davidoff, dated December 1, 1955.

The CHAIRMAN. This is exhibit 14, and present it to the witness, please.

(The document was handed to the witness.)

The CHAIRMAN. The Chair instructs you to examine that document, and state whether or not you identify it.

Mr. DAVIDOFF. I examined it.

The CHAIRMAN. Can you say whether you identify it?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, this is the local 258, and Mr. Davidoff writes the letter :

The following are the names and titles of the officers of local 258, and the same are requested to be seated as delegates to joint council 16.

It is signed by Harry Davidoff, secretary-treasurer.

The president of the local is Sam Getlan. Now, Mr. Getlan appeared before the committee and he testified that he had never even heard of the local, let alone know he was president.

Can you explain that?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Would you tell the committee where the name Anthony Barbera came from?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. He is listed as trustee.

How about David Koch, who was also listed as trustee?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Then, Mr. Chairman, on February 2, 1956, Mr. Davidoff sent a letter to the joint council, giving the names of those who were eligible to vote in the election. There were seven names, and all seven did vote in the subsequent election for the presidency of point council 16. They voted for O'Rourke.

The CHAIRMAN. The Chair presents to the witness exhibit 15, photostatic copy of a letter bearing his signature, and we will ask him to examine it and state whether he identifies it.

(A document was handed to the witness.)

Mr. DAVIDOFF. I examined the document.

The CHAIRMAN. Do you identify it?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. Are you ashamed of it, is that why you won't answer the question?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. Mr. Counsel, make a statement for the record here of everything that you have against this witness. I want to be very fair and I want to give him a chance to deny it. Make a statement of all of his criminal record and hoodlum activities and everything that we have in this file.

I want you to make a statement about it and I want to give this witness a chance, a fair chance, to deny these charges and accusations.

Proceed, Mr. Counsel.

Mr. SCHIFFER. May I offer an objection, please, to the statement by general counsel?

The CHAIRMAN. You can offer it and the Chair will promptly overrule it.

Mr. SCHIFFER. I haven't stated the grounds yet.

The CHAIRMAN. That doesn't matter with me.

Mr. SCHIFFER. Our grounds for the objection respectfully stated are simply that it has already gone into the record, and that the purpose of this committee is to investigate and hear evidence, and then come up with a report. The purpose of the present question directed by the chairman to this witness is only for the purpose of ridicule and scorn. It is already in the record, and now the Chair is going to go into the record of this man.

The CHAIRMAN. I have ordered it read and the Chair overrules the objections. We are undertaking to get information upon which to legislate. I hope that this committee will come up with recommendations for legislation and that the Congress will pass them, that will liberate the honest working people of this country from hoodlums and racketeers.

I am going to do everything in my power to get the facts and to expose the racketeering that is going on, with a view that the Congress then, upon the basis of that information, can enact laws that will protect honest working people from some scoundrels that have infiltrated the labor movement.

The objections to the questions are overruled and counsel is instructed to proceed.

Mr. SCHIFFER. In view of what you have just stated, Mr. Chairman, may I offer this additional objection: Part of the statements made by chief counsel and alluded to indirectly by your last statement pointed toward what we call or what has been called sweetheart contracts. The fact remains that those people who were supposed to be the laborers who suffered under these sweetheart contracts, as a result of the sweetheart contracts, still receive wages higher than those in many of the States represented by the distinguished members of this committee.

The CHAIRMAN. The Chair doesn't care to hear any more from you. If your client is willing to testify, we will be glad to hear him.

These are matters within his knowledge, and if he wants to take the fifth amendment of course that is his privilege. But it is also the duty of this committee to present the witnesses with such interrogation as is necessary or proper to elicit the facts and give them an opportunity to answer.

Senator IVES. Mr. Chairman, following up your line of thought, I would like to point out to the attorney out there that it is the witness' own fault if these questions are being asked and going unanswered. He has every opportunity to answer them. I cannot for the life of me see why he is hiding behind the fifth amendment. Certainly he has a right to do it and you don't need to lecture me on that, and I understand the Constitution.

But that doesn't give him an unalterable right to do it under all circumstances.

Now is he under subpoena in New York?

Mr. SCHIFFER. I don't believe so, Senator.

Senator IVES. Has he been convicted of anything?

Mr. SCHIFFER. I wouldn't know.

Senator IVES. Is he under indictment?

Mr. SCHIFFER. I believe he is facing one indictment up there in New York.

Senator IVES. Is there anything that he might answer here that is going to hurt him where that is concerned?

Mr. SCHIFFER. Well, the question is a loaded question, Senator, in this sense.

Senator IVES. It is not loaded at all. It is a perfectly honest question.

Mr. SCHIFFER. I am not questioning the honesty of the question. I say it is a loaded question the way it has been put.

Senator IVES. If that is the way you feel about it, I have no more to ask you.

The CHAIRMAN. Proceed and make this record complete and state everything that you have in the files here against this witness and give him an opportunity to deny it or explain it.

Mr. KENNEDY. Mr. Chairman, here is a letter that was sent over Mr. Harry Davidoff's signature, as secretary-treasurer to joint council 16, of the International Brotherhood of Teamsters.

The letter is dated February 2, 1956.

DEAR SIR AND BROTHER: This will certify that the bearer, Sam Getlan, is an executive-board member of local union 259 and is eligible to vote in the joint council election.

Now Mr. Getlan has testified before this committee, Mr. Chairman, that he was not a member of the union and he was not president of the union and he did not vote, and yet these credentials were used to cast a vote for John O'Rourke in that election. The letter is sent over the signature of Harry Davidoff.

The CHAIRMAN. Do you know Sam Getlan?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. Does he know you?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. What is there about that election that would incriminate you?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. You know the whole thing was a fraud, do you not?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. It was a rigged election, and you helped rig it, didn't you?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. Did you sign this letter? We will present it to you. It is exhibit 16.

(Document was handed to the witness.)

Mr. DAVIDOFF. I have examined the document.

The CHAIRMAN. Did you sign that document?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. That is a part of the fraud that you perpetrated, is it not?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Chairman, we had some statements about a sweetheart contract. Now, based on the facts of the contract at the All-Rite Belt Co., there were some 30 messengers. According to the arrangements made with the All-Rite Belt Co. by Mr. Davidoff and his colleagues, the company was just to select any 8 and send in the dues for any 8, and there were a different 8 every week. Some of the people we interviewed didn't even know they were members of the union. Yet their dues were taken off, and sent in by the company to the union every week, and there was no increase, and no benefit for the employees.

Can you explain that to us?

Mr. DAVIDOFF. I respectfully decline to answer the question on the ground it may tend to incriminate me.

Senator CURTIS. About when was that contract entered into?

Mr. KENNEDY. Originally by local 130, which Mr. Davidoff represented, and then it was transferred over to local 649, Mr. Dio's union, and then it was transferred over to local 258 of the teamsters, with which Mr. Davidoff is now associated. Then we have another contract that was entered into on the 5th of July 1955, where the wage scale of \$1 is crossed out and \$0.85 is written in. This is a contract that is signed by Harry Davidoff, and gives a week's vacation after you have worked a year, and it is a contract with the Seal-Tight Quilting Corp.

Was there any benefit in that contract for the employees?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. Was there any connection between the signing of that contract and the \$1,000 check that you received for the ad from Mr. Fine?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, here is a list of the shops that Mr. Davidoff transferred over to local 258 of the teamsters, from 649.

The CHAIRMAN. We will present this to the witness, please.

(The document was handed to the witness.)

The CHAIRMAN. The Chair presents a document to you and asks you to examine it and state if you recognize it.

(The witness conferred with his counsel.)

Mr. DAVIDOFF. I examined the document.

The CHAIRMAN. Do you recognize it?

Mr. DAVIDOFF. I must respectfully decline to answer the question upon the ground that it may tend to incriminate me.

The CHAIRMAN. That document may be made exhibit No. 105.

(The document referred to was marked "Exhibit No. 105" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. Are you willing to tell us how much money you have robbed union members of during the time you have been associated with unions?

Mr. SCHIFFER. May I respectfully object to that question, Mr. Chairman? While it is pertinent to this inquiry, I think it is directing the witness to answer to a crime which is beyond the scope of this inquiry.

The CHAIRMAN. We are going to inquire into crime right along.

I ask the witness this question: Are you willing to tell us how much money you have robbed working people of since you have been identified with the labor movement?

Mr. DAVIDOFF. I must respectfully decline to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. I might read this notice, signed by Harry Davidoff, on the stationery of local 258:

DEAR MEMBERS: This is to advise you that effective the 1st day of July 1956, your local, Local 649, International Union, United Automobile Workers of America, AFL has been changed to Warehouse and Processing Employees Union, Local 258, International Brotherhood of Teamsters, AFL-CIO. Such change, in name only, does not involve any change in its officers or membership.

Our new offices will be located at 2928 41st Avenue, room 301, Long Island City, N. Y., telephone Stillwell 4-4092.

Accordingly, our obligations and rights under our present collective-bargaining agreement with our company shall continue unaffected by this change in name.

Fraternally yours,

HARRY DAVIDOFF,
Secretary-Treasurer.

Please post this notice on your bulletin board.

What were the arrangements that were made for the sending of this notification to the various companies?

Mr. DAVIDOFF. I must respectfully decline to answer the question upon the ground it may tend to incriminate me.

Mr. KENNEDY. Were some of the shops changed on July 1, and some more shops changed over when your charter was lifted by the UAW-AFL in February?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are you an American citizen?

Mr. DAVIDOFF. Yes, sir.

The CHAIRMAN. You are proud of it?

Mr. DAVIDOFF. Yes, sir.

The CHAIRMAN. You want now to discharge your duty to these working people and make a disclosure of the facts and the truths that affect their welfare?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you feel any obligation to the people who worked in your union?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you not think that they are entitled to an accounting of your stewardship?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you think one who takes the fifth amendment on things like that is worthy and decent enough to be head of a union?

Mr. DAVIDOFF. Yes.

The CHAIRMAN. You think so?

Mr. DAVIDOFF. Yes, sir.

The CHAIRMAN. I am afraid a lot of people do not agree with you.

Proceed, Mr. Counsel.

Mr. KENNEDY. I am finished with the witness.

The CHAIRMAN. All right, the witness may stand aside.

Call the next one.

Mr. KENNEDY. Wait a minute, Mr. Davidoff. We have his credentials for voting in the election.

The CHAIRMAN. The Chair presents to you another document and asks you to examine it and state whether you identify it.

Mr. DAVIDOFF. I examined the document.

The CHAIRMAN. Will you identify it?

Mr. DAVIDOFF. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. The document may be made exhibit 106.

(The document referred to was marked "Exhibit No. 106" for reference and will be found in the appendix on p. 4870.)

Mr. KENNEDY. Mr. Chairman, the records show that that vote was cast in the name of Mr. Davidoff, and it was one of those votes that was impounded, and the votes that were cast for Mr. John O'Rourke.

The CHAIRMAN. Are there any further questions?

The witness may stand aside. Call the next one.

Mr. KENNEDY. Mr. Chairman, we have now two of the key figures from Mr. Dio's local, local 649, and they are Mr. George Baker and Mr. Joseph Curcio. It is thought we might have them together.

The CHAIRMAN. Mr. Baker and Mr. Curcio, come around, please.

TESTIMONY OF JOSEPH CURCIO AND GEORGE BAKER, ACCOMPANIED BY THEIR COUNSEL, ARNOLD COHEN

The CHAIRMAN. You and each of you do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CURCIO. I do.

Mr. BAKER. I do.

The CHAIRMAN. Mr. Baker, identify yourself for the record, please, sir.

Mr. BAKER. George Baker, Brooklyn, N. Y., and I must decline to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. We have not gotten to that yet. Where do you live in Brooklyn?

Mr. BAKER. You mean the address, Senator?

The CHAIRMAN. I mean your address of the present; yes.

Mr. BAKER. 2662 Western, Brooklyn 23, N. Y.

The CHAIRMAN. What do you do for a living?

Mr. BAKER. I must decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. We will let the next witness identify himself for the record.

Mr. CURCIO. Joseph Curcio, 13745 70th Road, Flushing, N. Y.

The CHAIRMAN. Do you want to continue? Do you want to tell us what you do for a living?

Mr. CURCIO. I must respectfully decline to answer on the ground it might tend to incriminate me.

The CHAIRMAN. All right. You have counsel and will you identify yourself for the record?

Mr. COHEN. Arnold Cohen, 2 Lafayette Street, New York City.

The CHAIRMAN. I want to instruct the counsel now; it is apparent that these are some more fifth-amendment witnesses, and the Chair instructs the counsel to make a statement of everything we have in the file and in the record about which they should be interrogated. I want to be completely fair to them and give them an opportunity to deny all or any part of it or to make any explanation they care to with regard to this information.

Mr. KENNEDY. Mr. Chairman, on Mr. Curcio; Mr. Curcio was an organizer for Dio in local 102 of the UAW-AFL from early 1951 to March 1952. He was an organizer and officer for local 649, UAW, the successor to local 102, up to October of 1954. He was president of local 649, UAW, succeeding Johnny Dio, from October 1954 to March of 1957. That is when the charter was revoked. He is secretary-treasurer of local 269 of the teamsters, one of the paper locals, and he has been secretary-treasurer from October 1955 to date. Is that correct?

Mr. CURCIO. I decline to answer on the ground it might tend to incriminate me.

Senator CURTIS. Mr. Chairman, I would like to ask that witness whether or not he was associated with this union from 1951 to 1952, this union 102.

Mr. CURCIO. I decline to answer on the ground that it might tend to incriminate me.

Senator CURTIS. Mr. Chairman, any misconduct that he might have been guilty of is barred from any criminal prosecution by the statute of limitations. To tell what he has done in the labor movement more than 5 years ago could not possibly incriminate him. There would not be any chance of bringing an indictment against him in a criminal prosecution.

(At this point, Senator Mundt entered the hearing room.)

The CHAIRMAN. We will proceed.

Mr. KENNEDY. Mr. Curcio, according to our records, was arrested and convicted for bootlegging back in 1944; is that correct?

Mr. CURCIO. I decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Now, Mr. Baker, you are also known as Mr. Semelmacher; is that correct?

Mr. BAKER. I invoke the fifth amendment against self-incrimination, sir.

Mr. KENNEDY. We understand that you were formerly with the ILGWU. You transferred over and were the regional secretary-treasurer of local 102 of UAW.

Mr. BAKER. I decline to answer on the ground stated in my previous answer, sir.

Mr. KENNEDY. And you are presently an organizer for local 269 of the International Brotherhood of Teamsters.

Mr. BAKER. Mr. Kennedy, I decline to answer on the ground stated in my previous answer.

Mr. KENNEDY. And you were one of those that were originally on the charter of local 102 with Sam Zakman; is that right, Mr. Baker?

Mr. BAKER. I must decline to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. And you were the one who introduced Dio to Sam Zakman.

Mr. BAKER. I must decline to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. And you were convicted in 1947 for the sale of narcotics; is that right?

Mr. BAKER. I must decline to answer that question, Mr. Kennedy, on the ground it may tend to incriminate me.

Mr. KENNEDY. And in 1954 you were arrested for felonious assault.

Mr. BAKER. I must decline to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Did you feel that you were incriminated when you were convicted?

Mr. BAKER. Mr. Senator, I must decline to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. We understand, also, Mr. Baker, that you filed an income-tax return in 1952, for the year 1952, and one under the name of George Baker and one under the name of George Semelmacher and split your income between the two; is that right?

Mr. BAKER. I must decline to answer that question, Mr. Kennedy, on the ground it may tend to incriminate me.

The CHAIRMAN. Do you have a dual personality?

Mr. BAKER. I must decline to answer that question, Mr. Senator, on the ground it may tend to incriminate me.

The CHAIRMAN. What other names do you use?

Mr. BAKER. I must decline to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. And, also, that for the same year—and you still do have two social-security numbers; is that right?

Mr. BAKER. I must decline to answer that question, Mr. Kennedy, on the ground it may tend to incriminate me.

Mr. KENNEDY. Now, Mr. Curcio, we subpoenaed some books and records of local 649 on November 8 of 1956; the Senate Subcommittee on Investigations subpoenaed some books and records. Could you tell us what happened to those books and records?

Mr. CURCIO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. We understand that, according to the story we received, the books and records had also been subpoenaed by the grand jury, Federal grand jury, on November 6, 2 days before we subpoenaed them, for appearance, I believe, on November 7. In order to make sure that you were down there bright and early with the books, you stuck them in your car, in the automobile, and then somebody that evening broke into the automobile and stole all of the books and records of local 649; is that correct?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

The CHAIRMAN. Was there something in the records that might incriminate you?

Mr. CURCIO. I decline to answer on the ground it might tend to incriminate me.

The CHAIRMAN. Is that the reason they became lost?

Mr. CURCIO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. We understand that these books and records were all put in Mr. Baker's automobile, and that the thief broke into your automobile and stole the books and records of 649.

Mr. BAKER. Mr. Kennedy, I invoke the fifth amendment against self-incrimination.

Mr. KENNEDY. Could you give us any explanation as to why somebody would want to steal books and records of local 649, Johnny Dio's local?

Mr. BAKER. I decline to answer on the ground stated in my last answer.

The CHAIRMAN. You think it would incriminate you to say that a thief broke into your car and stole records that you had in there?

Mr. BAKER. It might, Senator.

The CHAIRMAN. You were the one that broke in?

Mr. BAKER. I must decline to answer the question on the ground stated in my previous answer.

The CHAIRMAN. In other words, you would not want to confess to it.

Mr. BAKER. I decline to answer on the ground stated in my previous answer.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Now, after Dio allegedly or supposedly withdrew from the UAW, AFL labor movement in New York, Mr. Curcio took charge of operations until all of these charters were lifted in February and March of 1957.

I wanted to ask you, Mr. Curcio, did you in fact take instructions from Mr. Dio during this period of time?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

The CHAIRMAN. Do you know Mr. Dio?

Mr. CURCIO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Do you associate with him?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

The CHAIRMAN. Are you engaged in any enterprises together?

Mr. CURCIO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Are you associated with him in any way, in business, or in the labor movement?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Senator MUNDT. Did you conspire in any way with Dio in connection with the acid-throwing attack on Victor Riesel?

Mr. CURCIO. No, sir.

Senator MUNDT. Thank you.

Mr. KENNEDY. Could you explain, Mr. Curcio, why Mr. Doria felt it was necessary when he wrote you letters during 1955 and 1956, why copies of those letters should be sent to Mr. Dio?

Mr. CURCIO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. When this arrangement was made to set up these teamster paper locals, was that discussed with Mr. Dio?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. I understand that John McNamara of local 808 of the teamsters, came to your office, local 649, and dictated some of the letters that went to joint council 16.

That was according to the testimony that we heard yesterday. Could you tell the committee the circumstances under which John McNamara would do that?

Mr. CURCIO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. We understand Mr. McNamara is a close, personal friend of Mr. Hoffa. Did Mr. McNamara tell you what the position of Mr. Hoffa was on this matter?

Mr. CURCIO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Now, you were an officer in 269 and we understand that local 269 of the teamsters did not have any members until July of 1956 and that you then transferred 10 of your shops or 10 of the shops of local 649 into local 269 of the teamsters. Is that correct?

Mr. CURCIO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. When the charter was lifted, I believe in February of 1957 by the UAW-AFL, you transferred 50 more of the shops from the local 649 to 269 of the teamsters; is that right?

Mr. CURCIO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Was any of the membership informed of that?

Mr. CURCIO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Did any of the membership approve of their transfer?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Now, we understand, again getting back to some of these so-called sweetheart contracts, that there was a contract made with the Carnival Spraying Co., and the shop was originally organized by "Benny the Bug." Do you know Benny the Bug?

Mr. CURCIO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And that the arrangements that were made with the Carnival Spraying Co. by your union were that all they had to do was list 8 employees, and they proceeded to list 8 people whose names often were fictitious names, and you approved of this arrangement.

Would you tell us about that?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. There was no benefit gained for the membership under this arrangement. Could you tell us about that?

Mr. CURCIO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. We understand also that you participated in the dictating of the letters to the teamsters joint council requesting the

seating of certain of these officers. Could you tell the committee where you got the names of these people?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Did you participate in that?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Do you know Armando Simontacci?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. According to the letter that you wrote, he was listed as president of local 269. Will you tell us about that?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Mr. Simontacci, according to the letter that you wrote on the joint council 16 should be seated as a delegate, and then a credential was issued to him and he voted in the election.

Could you tell us the circumstances under which Mr. Simontacci became president of local 269?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Had he had any other previous labor union experience?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, we have Mr. Simontacci here as a witness, and could we call him and perhaps he could sit over here.

The CHAIRMAN. Mr. Simontacci, will you come around, please?

Mr. KENNEDY. Let me ask you, is Mr. Simontacci related to you?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Is that how he was selected as president of this local?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Did his wife participate in your marriage?

Mr. CURCIO. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Is Mr. Simontacci here?

Mr. COHEN. I haven't heard that name before.

The CHAIRMAN. Will you be sworn?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SIMONTACCI. I do.

TESTIMONY OF ARMANDO SIMONTACCI

The CHAIRMAN. State your name, your place of residence, and your business or occupation, please.

Mr. SIMONTACCI. Armando Simontacci, 156 Forsythe Street, New York City, and I work for Lloyd's Fabricating, 182 Sibley Avenue.

The CHAIRMAN. Thank you very much.

You are advised, I am sure, that you have a right to counsel?

Mr. SIMONTACCI. I was advised; yes.

The CHAIRMAN. You waive counsel?

Mr. SIMONTACCI. I waive counsel.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Simontacci, according to the letter that was sent by Joseph Curcio to Joint Counsel 16, International Brotherhood of Teamsters, you are listed as president of local 269.

Are you familiar with that?

Mr. SIMONTACCI. Yes, I am.

The CHAIRMAN. I present to you exhibit No. 20 and ask you to examine it, please, sir.

(A document was handed to the witness.)

The CHAIRMAN. Have you had any previous knowledge of that document?

Mr. SIMONTACCI. Yes, I have.

The CHAIRMAN. All right.

Mr. KENNEDY. Now, Mr. Simontacci, could you tell the committee the circumstances under which you became president of local 269? First, who spoke to you about it?

Mr. SIMONTACCI. Mr. Curcio.

Mr. KENNEDY. What did Mr. Curcio say to you?

Mr. SIMONTACCI. He said that he nominated me for president.

Mr. KENNEDY. And had you been in the Teamsters Union prior to that?

Mr. SIMONTACCI. No, sir.

Mr. KENNEDY. Had you been an officer of any union prior to that?

Mr. SIMONTACCI. No, sir.

Mr. KENNEDY. Had you known Mr. Curcio?

Mr. SIMONTACCI. Yes, sir.

Mr. KENNEDY. You lived in the house that he used to live in, is that right?

Mr. SIMONTACCI. Well, I lived in the same neighborhood.

Mr. KENNEDY. In what?

Mr. SIMONTACCI. In the neighborhood.

Mr. KENNEDY. In the same neighborhood?

Mr. SIMONTACCI. Yes, sir.

Mr. KENNEDY. In the house you now live in—had the Curcio family lived in that house?

Mr. SIMONTACCI. At one time.

Mr. KENNEDY. Now, he told you that you were going to be the president of the local; did he?

Mr. SIMONTACCI. That is right.

Mr. KENNEDY. And then the next thing you heard was that there was going to be an election?

Mr. SIMONTACCI. That is right.

Mr. KENNEDY. Did you meet with a group of people and go down to the election?

Mr. SIMONTACCI. I did.

Mr. KENNEDY. You did?

Mr. SIMONTACCI. Yes, sir.

Mr. KENNEDY. Were you there going to the election to vote for John O'Rourke?

Mr. SIMONTACCI. I was.

Mr. KENNEDY. Did you know John O'Rourke?

Mr. SIMONTACCI. No.

The CHAIRMAN. Was that the election held by joint council 16?

Mr. SIMONTACCI. That is right, sir.

The CHAIRMAN. That is the election that you are speaking of?

Mr. SIMONTACCI. That is right.

The CHAIRMAN. I present to you a document dated February 2, 1956, which is a letter to joint council 16, signed by Joseph Curcio, secretary-treasurer of local 269, in which it names you as a member of the executive board of local 269 and certifies that you are eligible to vote in that election.

Will you examine the document, please? Will you state if you identify it?

(A document was handed to the witness.)

Mr. KENNEDY. Are you familiar with that, and did you ever see that?

Mr. SIMONTACCI. I never saw this.

The CHAIRMAN. That document may be made exhibit No. 107.

(The document referred to was marked "Exhibit No. 107" for reference and will be found in the appendix on p. 4871.)

The CHAIRMAN. Did you know that you had been certified as eligible to vote in that election?

Mr. SIMONTACCI. Well, it must have been, because I voted.

The CHAIRMAN. I understand. Did they tell you that they had certified you as a delegate, or as eligible to vote?

Mr. SIMONTACCI. Well, I don't grasp the question. Would you mind repeating it?

The CHAIRMAN. Before you went over there to vote—you said you did attend the meeting, and you voted, as I understood you.

Mr. SIMONTACCI. That is right.

The CHAIRMAN. Now, prior to that, did they tell you that they had certified you as a member of that executive board and that you were entitled to vote?

Mr. SIMONTACCI. Well, no, I guess the question was omitted or maybe it was told to me, but I don't recollect.

The CHAIRMAN. You don't recall?

Mr. SIMONTACCI. No.

The CHAIRMAN. Who may have told you?

Mr. SIMONTACCI. No.

The CHAIRMAN. Who asked you to go over there and vote?

Mr. SIMONTACCI. Mr. Curcio.

The CHAIRMAN. How long before you voted did he ask you to go over there?

Mr. SIMONTACCI. Well, it could have been a couple of days, or a week, and I don't remember.

The CHAIRMAN. Some day or two beforehand?

Mr. SIMONTACCI. It might have been.

The CHAIRMAN. All right.

Mr. KENNEDY. Didn't you go up to his office on 57th Street, and he said, "We are all going over to vote"?

Mr. SIMONTACCI. He didn't say, "We are all going over to vote." He just told me to come over to the office, and I went.

Mr. KENNEDY. And there was a group there?

Mr. SIMONTACCI. There were many people walking in and out and I am not familiar with the procedures in the local.

Mr. KENNEDY. So you went to the auditorium at that time and you voted?

Mr. SIMONTACCI. That is right.

The CHAIRMAN. Let me ask a question there. Had you at that time paid any dues or initiation fees to any union?

Mr. SIMONTACCI. To this particular union or to any union, you mean?

The CHAIRMAN. Well, I will ask you first, to any union.

Mr. SIMONTACCI. I belonged to another union, yes.

The CHAIRMAN. You belonged to other unions?

Mr. SIMONTACCI. That is right.

The CHAIRMAN. But as to this union, had you paid any dues or initiation fee?

Mr. SIMONTACCI. No, sir.

The CHAIRMAN. You actually were not a member of it, were you?

Mr. SIMONTACCI. Well, if I was nominated for president, I guess it is the beginning of a membership.

Senator CURTIS. Did you receive a salary as president?

Mr. SIMONTACCI. No, sir.

Senator CURTIS. How long did you serve as president?

Mr. SIMONTACCI. I might be still serving as president to my knowledge.

Senator CURTIS. Did you ever preside over any meetings as president?

Mr. SIMONTACCI. No, sir.

Senator CURTIS. Did you ever appoint any committees?

Mr. SIMONTACCI. No, sir.

Senator CURTIS. Did you ever transact any business for them?

Mr. SIMONTACCI. No, sir.

Senator MUNDT. Did you ever meet any of the members who elected you?

Mr. SIMONTACCI. No, sir.

Senator MUNDT. You never attended any meeting at all?

Mr. SIMONTACCI. No, sir.

Senator CURTIS. Could you name any of the members of the union?

Mr. SIMONTACCI. Can I name any of the members of the union?

Senator CURTIS. Yes.

Mr. SIMONTACCI. No, sir.

Senator CURTIS. Do they have any collective bargaining contracts?

Mr. SIMONTACCI. Not that I know of.

Senator CURTIS. The man that set you up in that is the man over here at the witness stand, Mr. Curcio?

Mr. SIMONTACCI. Yes, sir.

Senator CURTIS. That is all.

Mr. KENNEDY. Mr. Chairman, this is the last exhibit. Exhibit 107 states that:

This will certify that the bearer, Armando Simontacci, is an executive board member of our local union, 269, and is eligible to vote in the joint council election.

It is signed by Joseph Curcio. You say you never saw this letter before?

Mr. SIMONTACCI. No, sir.

Mr. KENNEDY. These are the credentials that are used to vote in the election. How were you able to vote without any credentials?

Mr. SIMONTACCI. I might have seen it now, and don't misunderstand me. Is my signature on it?

Mr. KENNEDY. No.

Mr. SIMONTACCI. Then I didn't sign anything. It might have been passed to me, and I might have read it and placed it back.

Mr. KENNEDY. How did you go about voting? Did they hand you something, and you just put a mark down on it?

Mr. SIMONTACCI. That is right.

Mr. KENNEDY. A piece of paper? How did you vote?

Mr. SIMONTACCI. Vote where?

Mr. KENNEDY. At the joint council election.

Mr. SIMONTACCI. They handed me a slip of paper.

Mr. KENNEDY. And you wrote a name in?

Mr. SIMONTACCI. You went into a ballot place and you cast your ballot.

Mr. KENNEDY. Did Mr. Curcio tell you that you were to be for John O'Rourke.

Mr. SIMONTACCI. How would I say? That is politics.

Mr. KENNEDY. That is politics?

Mr. SIMONTACCI. Yes.

Mr. KENNEDY. Do you know Frank Longey?

Mr. SIMONTACCI. Yes, sir; I do.

Mr. KENNEDY. Is he related to you?

Mr. SIMONTACCI. Yes; he is.

Mr. KENNEDY. He is a cousin, is he?

Mr. SIMONTACCI. Through marriage.

Mr. KENNEDY. He is listed as vice president of local 651. Do you know if he voted in the election?

Mr. SIMONTACCI. He might have.

Mr. KENNEDY. Is he still president or vice president of local 651?

Mr. SIMONTACCI. Not to my knowledge; I don't know.

Mr. KENNEDY. Do you know how he became vice president?

Mr. SIMONTACCI. Yes.

Mr. KENNEDY. The same way you did?

Mr. SIMONTACCI. Yes; I informed him.

Mr. KENNEDY. You informed him that he was president?

Mr. SIMONTACCI. I don't know if he was vice president or secretary, but I informed him, and I don't recall right now.

Senator MUNDT. Did you pick him out?

Mr. SIMONTACCI. No, sir; I didn't pick him out.

Senator MUNDT. You were told he was to be the man, and you simply carried the message to him?

Mr. SIMONTACCI. That is right.

Senator MUNDT. Who told you that he was to be that?

Mr. SIMONTACCI. Mr. Curcio.

Mr. KENNEDY. And he came back, and you met him coming back from the election; did you not?

Mr. SIMONTACCI. Yes, sir.

Mr. KENNEDY. And you walked home together?

Mr. SIMONTACCI. That is right.

Mr. KENNEDY. Do you know if he has taken any active participation in the teamsters local union, local 651, since that time?

Mr. SIMONTACCI. I don't know.

Mr. KENNEDY. You don't know?

Mr. SIMONTACCI. No.

Mr. KENNEDY. Talking about the fact that you were in another local, you were in the Cement and Concrete Workers Union?

Mr. SIMONTACCI. Yes, sir.

Mr. KENNEDY. And that was back in 1950?

Mr. SIMONTACCI. That is right.

Mr. KENNEDY. You haven't been active in the union since that time?

Mr. SIMONTACCI. Not active in any union.

Mr. KENNEDY. Not since 1950? Have you been a member of any union?

Mr. SIMONTACCI. Well, yes; I worked in another plant where there was a union, and I joined.

Mr. KENNEDY. What union was that?

Mr. SIMONTACCI. That was the United Mine Workers, and I believe it was local 50.

Mr. KENNEDY. You were never an officer of any local up to this time?

Mr. SIMONTACCI. That is right.

Mr. KENNEDY. Now, didn't Mr. Curcio tell you that you were no longer an officer and no longer president of this local 269?

Mr. SIMONTACCI. That is right.

Mr. KENNEDY. He told you after the election?

Mr. SIMONTACCI. I believe it was after the election.

Mr. KENNEDY. Did he say someone else is now president of local 269?

Mr. SIMONTACCI. Yes.

Mr. KENNEDY. He said, "You're out"?

Mr. SIMONTACCI. Not in those words.

Mr. KENNEDY. What did he say?

Mr. SIMONTACCI. He said there was an election, and I wasn't elected.

Mr. KENNEDY. Were you disappointed?

Mr. SIMONTACCI. Well, I don't know if I was or wasn't.

Senator GOLDWATER. I would like to ask the witness, in view of the fact that he mentioned local 50 of the United Mine Workers, were there any miners in that local?

Mr. SIMONTACCI. No, sir.

Senator GOLDWATER. Were you ever a miner?

Mr. SIMONTACCI. That is, I believe, another branch of the United Mine Workers. They were organizing shops and factories and so on.

It had nothing to do with miners. I was a carpenter, and now we bring Mr. Lewis into the picture.

Senator GOLDWATER. Did Mr. Curcio know you were coming down to testify?

Mr. SIMONTACCI. Yes, sir.

Senator GOLDWATER. He did?

Mr. SIMONTACCI. Yes, sir; and I told him I was approached by a Mr. Ready, whom no one has ever heard of, supposed to be connected with the district attorney, and he said, "Well, tell them the truth," and so I did.

Senator GOLDWATER. That is all, Mr. Chairman.

Senator MUNDT. Why didn't you suggest the same thing to Mr. Curcio? If he advised you to tell the truth, why didn't you suggest that to him?

Mr. SIMONTACCI. I accepted advice from elders, and I doubt if elders accept advice from young people.

Senator MUNDT. I would like to clear my own mind as to how you were advised in the first place.

Mr. SIMONTACCI. Word of mouth or telephone, and I don't recall.

Senator MUNDT. You were surprised, of course.

Mr. SIMONTACCI. Well, yes; it came as a small shock.

Senator MUNDT. Did you offer any resistance, or did you say, "Goody, goody; I am glad I am president"?

Mr. SIMONTACCI. I didn't think Mr. Curcio would do me any harm, and I didn't think anything of it.

Senator MUNDT. Did he offer to do you any good if you would become the president?

Mr. SIMONTACCI. There were no offers made, sir.

Senator MUNDT. Did he suggest that this would be something that would lead to something worthwhile?

Mr. SIMONTACCI. He didn't make any suggestions and we more or less dropped the subject.

Senator MUNDT. He said, "Will you be president?" and you said, "Yes."

Mr. SIMONTACCI. Yes, sir.

Senator MUNDT. And he said, "Will you vote for Mr. O'Rourke?" and you said "Yes."

Mr. SIMONTACCI. That is right.

Senator MUNDT. So you went over and voted for Mr. O'Rourke, and that was the sum and substance of your activities.

Mr. SIMONTACCI. I didn't say whether I voted for O'Rourke or not.

Senator MUNDT. I will ask you: Did you vote for Mr. O'Rourke?

Mr. SIMONTACCI. Yes, sir.

Senator MUNDT. Now that you have voted for Mr. O'Rourke, that was the sum and substance of your function as president?

Mr. SIMONTACCI. That is right.

Senator MUNDT. And you just did this out of friendship for Mr. Curcio and because he had asked you, and you didn't think he would get you in any trouble.

Mr. SIMONTACCI. More or less.

Senator MUNDT. What more?

Mr. SIMONTACCI. Well, should I answer "Yes"? All right—yes.

Senator MUNDT. If there is any more, I would like to get the "more."

Mr. SIMONTACCI. That is all.

Senator MUNDT. That is all there was?

Mr. SIMONTACCI. Yes, sir.

Senator MUNDT. Had you known Mr. Curcio pretty well?

Mr. SIMONTACCI. I have known him very well.

Senator MUNDT. You have known him very well?

Mr. SIMONTACCI. Yes.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. Your wife was maid of honor when Joe Curcio got married?

Mr. SIMONTACCI. That is right.

Mr. KENNEDY. That is all for this witness.

The CHAIRMAN. Thank you very much.

Mr. KENNEDY. Who did Joseph Curcio's sister marry, do you know?

Mr. SIMONTACCI. Yes, Basil Koschel.

Senator MUNDT. If you wouldn't mind, even though Curcio is older than you are and you followed his advice, I wish you would give him the same advice that he gave you, and maybe he would follow it anyhow.

You are not going to get into any trouble by answering these questions, and it is helpful to the committee and we appreciate it, and thank you very much.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Basil Koschel.

The CHAIRMAN. You will be sworn, please.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KOSCHEL. I do.

TESTIMONY OF BASIL KOSCHEL

Mr. KOSCHEL. Senator, before we get underway, may I ask a ban on photographs while I am testifying?

The CHAIRMAN. All right. No photographs for the present.

Will you state your name, your place of residence, and your business or occupation, please, sir?

Mr. KOSCHEL. The name is Basil Koschel. I live at 1220 Sutter Avenue, Brooklyn, N. Y. I am a production-control clerk. I work for Hoeven Letters, Inc., 352 Fourth Avenue, New York City.

The CHAIRMAN. Thank you very much.

You have elected to waive counsel; have you?

Mr. KOSCHEL. Well, I haven't signed anything, but I do understand that I may or may not have counsel.

The CHAIRMAN. That is right. You are willing to proceed without counsel?

Mr. KOSCHEL. Yes.

The CHAIRMAN. Thank you.

Senator MUNDT. The position that you now hold, is that what you would call a union position, or are you in a managerial position or do you belong to a union?

Mr. KOSCHEL. It is difficult to say. The position is supervisory. However, the organization is unionized, district 65, I believe it is. However, the production people and the supervisory people are not union help. The balance of the people are.

Senator MUNDT. You are not in the union?

Mr. KOSCHEL. I am not a member of 65 at all.

Senator MUNDT. I see. Thank you.

TESTIMONY OF JOSEPH CURCIO AND GEORGE BAKER; ACCOMPANIED BY THEIR COUNSEL, ARNOLD COHEN, NEW YORK CITY— Resumed

Mr. KENNEDY. Let me ask Mr. Curcio. Do you know Mr. Koschel?

Mr. CURCIO. I respectfully decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, we have here a letter written on local 269 of the teamsters, to joint council 16, stating:

DEAR SIR AND BROTHER: We are submitting the names and titles of the officers of our local union 269 and respectfully request the same names be seated as delegates to point council 16.

Listed as vice president of local 269 is Basil Koschel.

Did you know him at that time, Mr. Curcio?

Mr. CURCIO. I respectfully decline to answer on the grounds that it might tend to incriminate me.

The CHAIRMAN. The Chair presents to witness Curcio exhibit 42 and asks him to examine it and state if he identifies it.

(Document handed to witness.)

The CHAIRMAN. Have you examined the document?

Mr. CURCIO. I have examined the document.

The CHAIRMAN. Will you read the signature on it?

Mr. CURCIO. I must decline to do so, Senator, on the ground that it might tend to incriminate me.

The CHAIRMAN. Your own name might incriminate you?

Mr. CURCIO. It might.

The CHAIRMAN. All right.

TESTIMONY OF BASIL KOSCHEL—Resumed

Mr. KENNEDY. Mr. Koschel, you are listed here as vice president of local 269. Did you know that you were vice president of local 269 of the teamsters?

Mr. KOSCHEL. Well, I was informed. I really can't tell you the date. I was informed by Mr. Simontacci that my name had been put forth for nomination as an official of an union.

Mr. KENNEDY. You didn't know anything more about it than that?

Mr. KOSCHEL. No; I did not.

Mr. KENNEDY. What did you think it was at that time? Did you think it was teamsters, or what?

Mr. KOSCHEL. To understand what I thought of it at that time you must understand the relationship between myself and Mr. Simontacci. We were fairly close friends, he was always joking and I put it off as a joke, which I thought it actually was.

Mr. KENNEDY. Did you ever realize that you actually became vice president?

Mr. KOSCHEL. I did realize, sometime in the beginning of this year, I believe, when we started to receive phone calls from investigating organizations.

Mr. KENNEDY. You were listed as vice president—

Mr. KOSCHEL. It became to me that it must be so.

Mr. KENNEDY. You were listed as vice president back in November of 1955. You didn't realize you were vice president until about 14 months afterward?

Mr. KOSCHEL. Well, not that I didn't realize it. I took no stock in what Mr. Simontacci had said.

Mr. KENNEDY. Were you ever asked to vote in the election?

Mr. KOSCHEL. Not that I recall. I attended no meetings.

Mr. KENNEDY. Are you related to Mr. Curcio?

Mr. KOSCHEL. I am his brother-in-law.

(At this point, Senator Goldwater withdrew from the hearing room.)

Mr. KENNEDY. We have some credentials for Mr. Koschel, Mr. Chairman.

The CHAIRMAN. The Chair presents to you a letter dated February 2, 1956, addressed to joint council 16, signed by Joseph Curcio, secretary-treasurer of local 269.

I ask you to examine the document and state whether or not you identify it.

(Document handed to witness.)

Mr. KOSCHEL. Yes; I see the document.

The CHAIRMAN. Have you seen that document before?

Mr. KOSCHEL. No; this is the first I have seen of this letter.

The CHAIRMAN. You never knew about it?

Mr. KOSCHEL. Well, only by word of mouth from Mr. Simontacci. Of the document itself; no.

The CHAIRMAN. Did you know that you had been certified as eligible to vote in that election?

Mr. KOSCHEL. Beyond being informed by Mr. Simontacci, I have no other information regarding the union activities.

The CHAIRMAN. All he told you, I believe, was that you had been selected as vice president or as an officer?

Mr. KOSCHEL. That is correct.

The CHAIRMAN. But you took no part in it?

Mr. KOSCHEL. No, sir; I did not.

The CHAIRMAN. Did you attend that meeting of joint council 16?

Mr. KOSCHEL. No, sir, I attended no meeting.

The CHAIRMAN. You attended no meeting and you did not vote?

Mr. KOSCHEL. That is correct, sir.

The CHAIRMAN. And you did not know that you had been certified as eligible to vote?

Mr. KOSCHEL. Not to my knowledge.

The CHAIRMAN. That document may be made exhibit 108.

The document referred to was marked "Exhibit 108," for reference. and will be found in the appendix on p. 4872.

Mr. KENNEDY. Mr. Chairman, under those credentials of Mr. Koschel, a vote was cast. The vote was impounded and we have found that that vote was cast for Mr. John O'Rourke.

The CHAIRMAN. Did you cast that vote?

Mr. KOSCHEL. I cast no vote.

The CHAIRMAN. You did not even attend the meeting?

Mr. KOSCHEL. I did not attend the meeting.

Mr. KENNEDY. Mr. Curcio, could you explain to the committee how a vote was cast under the name of Mr. Koschel?

Mr. CURCIO. I respectfully decline to answer on the grounds that it might tend to incriminate me.

Mr. KENNEDY. Mr. Koschel, have you had any prior union experience?

Mr. KOSCHEL. I was a member of district 65 at one time and I am currently a member of local 24910, a blueprint and photo employees union.

Mr. KENNEDY. Have you ever been an officer of a union?

Mr. KOSCHEL. No, sir; I have not been.

Mr. KENNEDY. This is the first time you were an officer?

Mr. KOSCHEL. Apparently so.

Mr. KENNEDY. And you apparently came right up to vice president?

Mr. KOSCHEL. Of that I have no idea. Whatever is in the records.

Mr. KENNEDY. Do you know the recording secretary, Philip Kazansky?

Mr. KOSCHEL. No. The name is foreign to me.

Mr. KENNEDY. Frank Easton, the trustee?

Mr. KOSCHEL. No, sir.

Mr. KENNEDY. Frank Korsizor?

Mr. KOSCHEL. It is not familiar.

Mr. KENNEDY. Rosario Catalano?

Mr. KOSCHEL. No, sir.

Mr. KENNEDY. You do not know that name?

Senator MUNDT. Do you know Mr. Curcio?

Mr. KOSCHEL. Yes, sir; I do.

Senator MUNDT. Would you tell us something about how you came to know him and of his background in union work?

Mr. KOSCHEL. Well, I married his sister and I came to know Mr. Curcio.

Senator MUNDT. There was no contact with him in union activities?

Mr. KOSCHEL. As to union activities?

Senator MUNDT. Yes.

Mr. KOSCHEL. No, sir.

Do you mean previous to the current goings-on or what?

Senator MUNDT. Yes. Had you served in a union with him?

Mr. KOSCHEL. No, sir, I have not. I haven't had any union activities connected with Mr. Curcio.

Senator MUNDT. That is what I meant. Your connections with him have been purely as a consequence of the fact that you married his sister?

Mr. KOSCHEL. I believe so.

Senator MUNDT. There have been no union activities with him since you were vice president, either?

Mr. KOSCHEL. No, sir; not at all.

The CHAIRMAN. Thank you very much.

You may stand aside.

(Members present at this point: Senators McClellan and Mundt.)

TESTIMONY OF JOSEPH CURCIO AND GEORGE BAKER, ACCOMPANIED BY THEIR COUNSEL, ARNOLD COHEN—Resumed

Senator MUNDT. Did I understand, Mr. Curcio, that you refused to acknowledge the identity of this young man that married your sister, because you were afraid that it might incriminate you?

Mr. CURCIO. I must stand on my answer.

Senator MUNDT. What was your answer?

Mr. CURCIO. I must respectfully decline to answer on the ground that it might tend to incriminate me.

Senator MUNDT. That is something less than flattering to your sister.

Mr. CURCIO. Senator, I am only protecting my rights by invoking the fifth amendment.

Senator MUNDT. I understand, but you are protecting your rights much better than you are protecting the reputation of your sister by taking an attitude like that.

This young man has freely admitted that he knows you, that he married your sister. Certainly on the basis of his testimony he seems to be a very respectable and responsible young man, a man who answered questions forthrightly. Do you not really think that you owe it to your sister to at least say that you recognize him and know him?

I am listening.

MR. CURCIO. I must respectfully decline to answer on the grounds that it might tend to incriminate me.

(At this point, Senator McNamara entered the hearing room.)

SENATOR MUNDT. The fifth amendment privilege extends only to those instances where an honest answer might tend to incriminate you. So by taking that attitude, you seriously reflect on this young man who has married your sister.

Are you sure that an honest answer to that question would tend to incriminate you, or that you really think it might tend to incriminate you? Is that what you want to tell the committee? Is that the way you want the record to read in the archives of history?

(The witness conferred with his counsel.)

SENATOR MUNDT. This is probably more important to you and to your sister than to your counsel, but you may confer with your counsel if you want to. I want an answer.

MR. CURCIO. I must insist upon protecting my rights.

SENATOR MUNDT. You know what that implies. Do you know what that implies? Do you know what your rights are?

Your rights are that if an honest answer would tend to incriminate you you certainly have the right under the fifth amendment to take recourse in it, but only under those circumstances.

So I ask you again, do you know Mr. Koschel?

MR. CURCIO. I must refuse to answer on the grounds that it might tend to incriminate me.

SENATOR MUNDT. It is a pretty sad state of affairs.

MR. KENNEDY. Let me ask you this, Mr. Curcio. Do you have another brother-in-law?

MR. CURCIO. I must respectfully decline to answer on the grounds that it might tend to incriminate me.

MR. KENNEDY. Did he also become an officer in one of these unions, teamster unions?

MR. CURCIO. I must respectfully decline to answer on the grounds that it might tend to incriminate me.

MR. KENNEDY. Do you know Martin Schlanger?

MR. CURCIO. I must respectfully decline to answer on the grounds that it might tend to incriminate me.

MR. KENNEDY. Is not Martin Schlanger a brother-in-law of yours?

MR. CURCIO. I must respectfully decline to answer on the grounds that it might tend to incriminate me.

MR. KENNEDY. Martin Schlanger, whom we understand is a brother-in-law of yours, is listed as a vice president of local 362. Would you tell us about that? It is in the teamsters.

MR. CURCIO. I must respectfully decline to answer on the grounds that it might tend to incriminate me.

MR. KENNEDY. Mr. Chairman, could we call Mr. Martin Schlanger?

THE CHAIRMAN. Mr. Schlanger, come forward, please, sir.

(Members present at this point: Senators McClellan, McNamara, and Mundt.)

The CHAIRMAN. You will be sworn, please, sir.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SCHLANGER. I do.

TESTIMONY OF MARTIN SCHLANGER

The CHAIRMAN. State your name, your place of residence and your business or occupation, please, sir.

Mr. SCHLANGER. Martin Schlanger, 125 Stanton Street, New York City; foreman of a bedspread factory in New York City.

The CHAIRMAN. Thank you.

Do you waive counsel?

Mr. SCHLANGER. Yes, I do.

The CHAIRMAN. Thank you very much.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Schlanger, do you know Mr. Joseph Curcio?

Mr. SCHLANGER. I refuse to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Are you Mr. Curcio's brother-in-law?

Mr. SCHLANGER. I must refuse to answer the question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Are you married to Lela Curcio?

Mr. SCHLANGER. I must refuse to answer the question on the grounds it may tend to incriminate me.

Senator MUNDT. Do you know Mr. Koschel who just testified preceding you?

Mr. SCHLANGER. I must refuse to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. I am mixed up. As we understand it, Joe Curcio is married to Lela Schlanger.

Is that right?

Mr. SCHLANGER. I must refuse to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Do you know how you became vice president of local 362?

Mr. SCHLANGER. I must refuse to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. You cannot give any explanation of that?

Mr. SCHLANGER. I must refuse to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. As we understand it, you voted in the election of February 14.

Mr. SCHLANGER. I must refuse to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And you have been arrested a number of times, have you, Mr. Schlanger?

Mr. SCHLANGER. I must refuse to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. You were arrested for devices and for possession of stolen mail?

Mr. SCHLANGER. I must refuse to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Within a week of the time that you voted in the election, were you arrested for the possession of stolen mail?

Mr. SCHLANGER. I must refuse to answer the question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Could you tell the committee what your experience has been that warranted your being made a vice president of a teamster local?

Mr. SCHLANGER. I must refuse to answer the question on the grounds that it might tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, here is a document showing Martin Schlanger as vice president, and this is a document certifying Martin Schlanger as eligible to vote in the joint council election. The vote was cast with these credentials and the vote was cast for John O'Rourke.

The CHAIRMAN. I present to the witness exhibit 65 and ask him to examine that document and state if he identifies it.

(Document handed to witness.)

Mr. SCHLANGER. I have examined the document.

The CHAIRMAN. Do you identify it?

Mr. SCHLANGER. I refuse to answer the question on the grounds it may tend to incriminate me.

The CHAIRMAN. I present to you another document, dated February 2, 1956, a letter from Abraham Brier to joint council 16 on the stationery of local 362. I will ask you to examine that and state if you identify it.

(Document handed to witness.)

Mr. SCHLANGER. I have examined the document.

The CHAIRMAN. Do you identify it?

Mr. SCHLANGER. I refuse to answer on the grounds it might tend to incriminate me.

The CHAIRMAN. That document may be made exhibit 109.

(The document referred to was marked "Exhibit 109", for reference and will be found in the appendix on p. 4873.)

The CHAIRMAN. Is that your name on the document?

Mr. SCHLANGER. I refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. What is there about it that would incriminate you?

Mr. SCHLANGER. It might.

The CHAIRMAN. Can you tell us what there is about it that might incriminate you?

Mr. SCHLANGER. Again, I must refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, when we first interviewed Mr. Schlanger, he was more cooperative, and at that time he told us that he had never heard of local 362 of the teamsters, that he had never been elected an officer nor attended any meetings of local 362, that he had never heard of Roosevelt Auditorium where the election was held and where the vote was cast in his name, and he never participated in any union election. We learned that he had been arrested on February 20, 1956, by postal inspectors, and pleaded guilty and was sentenced to 9 months for the possession of stolen mail. He was arrested three times in 1955 for gambling with a device and in 1956 for bribery.

Would you make any comment on that, Mr. Schlanger?

Mr. SCHLANGER. I must refuse to answer on the grounds that it might tend to incriminate me.

The CHAIRMAN. Is there any statement here reported by the investigators of the committee that has been read to you, is there anything in that statement that is untrue?

Mr. SCHLANGER. I must refuse to answer on the grounds that it might tend to incriminate me.

Senator MUNDT. Did you discuss with Mr. Curcio your testimony before this committee?

Mr. SCHLANGER. I must refuse to answer on the grounds it might tend to incriminate me.

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. Mr. Chairman, there is an indication that our records show that the witness voted in the election and voted for a certain individual.

O'Rourke, was that?

Mr. KENNEDY. The vote was cast for John O'Rourke, with his credentials.

Senator McNAMARA. Was this a recorded vote?

Mr. KENNEDY. Yes. It was 1 of the 42 votes that was impounded.

Senator McNAMARA. Then it was not a secret ballot?

Mr. KENNEDY. It was a secret ballot, yes. These votes were segregated.

Senator McNAMARA. How do we identify the individual with the vote?

Mr. KENNEDY. The way we can do it is by the fact that there were 42 credentials and 42 votes cast with the credentials, and the 42 votes matched up and were cast for John O'Rourke. There were 42 that were questioned, and the 42 votes that were cast with these credentials were all cast for John O'Rourke.

Senator McNAMARA. All right.

Mr. KENNEDY. That is all of Mr. Schlanger.

The CHAIRMAN. You may stand aside.

Are there more questions of these witnesses?

Mr. KENNEDY. Yes.

(At this point, Senator McClellan withdrew from the hearing room.)

(Members present at this point: Senators McNamara and Mundt.)

Mr. KENNEDY. Mr. Chairman, the next witness in connection with this matter is Mr. Joseph Meglino.

Senator McNAMARA. Mr. Meglino, please.

Will you raise your right hand?

Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MEGLINO. I do.

TESTIMONY OF JOSEPH MEGLINO

Senator McNAMARA. State your name, address, place of business or occupation.

Mr. MEGLINO. Joseph Meglino, 135 Ridge Street, New York, N. Y.

Senator McNAMARA. Your business or occupation?

Mr. MEGLINO. I respectfully decline to answer on the grounds that the question asked me may tend to incriminate me.

Senator McNAMARA. Thank you.

Mr. KENNEDY. There is not really any reason—we are not going into your whole career. Mr. Meglino. I just want to find out about the voting in the election as you told the investigators, and there is nothing that could possibly incriminate you.

Mr. MEGLINO. I respectfully decline to answer the question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Do you have an attorney?

Mr. MEGLINO. No.

Mr. KENNEDY. There is no reason for you to take the fifth amendment as far as we have any information. You can answer the questions as the first two witnesses did. We are not going into any of the other of the rest of your career.

Do you want to advise with your attorney and we will call someone else first?

Mr. MEGLINO. No.

Mr. KENNEDY. Mr. Meglino appeared on the original charter of Local 102, UAW-AFL.

Is that correct?

Mr. MEGLINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. At that time you knew nothing about local 102, did you, Mr. Meglino?

Mr. MEGLINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Is it not true that you told the committee that at the time this charter was issued you were on a traveling crap game and could not have been around?

Mr. MEGLINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

(At this point, Senator McClellan entered the hearing room.)

Mr. KENNEDY. Mr. Meglino, you appear as recording secretary of local 651 of the teamsters. Could you tell us how you became recording secretary?

Mr. MEGLINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Were you not standing outside of Joe Saud's Bar and Grill one day, and either Curcio or Baker—did you not tell our investigator that either Mr. Curcio or Mr. Baker came by and said, "Come on down, we are going to vote for John O'Rourke"?

Mr. MEGLINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And you knew nothing about John O'Rourke at the time?

Mr. MEGLINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And that you knew nothing about local 651 or the fact that you were recording secretary?

Mr. MEGLINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And did you not tell us also that this was the only participation that you had in any union affairs, in casting a vote for John O'Rourke in this election?

Mr. MEGLINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, here in exhibit 62 it lists Mr. Meglino as recording secretary for local 651, and the letter requests that he be seated as a delegate.

Here is the credential for Mr. Joseph Meglino, which states that he is an executive board member.

The CHAIRMAN. I present to you this document. It is dated February 2, 1956, from Nathan Gordon, secretary-treasurer, local 651, addressed to the Joint Council No. 16. I ask you to examine that document and state if you identify it.

(Document handed to witness.)

Mr. MEGLINO. I have examined the paper.

The CHAIRMAN. Do you recognize it?

Mr. MEGLINO. I respectfully decline to answer the question on the grounds that it may tend to incriminate me.

The CHAIRMAN. The truth is you never heard of that document before, did you?

Mr. MEGLINO. I respectfully decline to answer the question on the grounds that it may tend to incriminate me.

The CHAIRMAN. Are you under some intimidation? Are you afraid of some of these folks over here?

Mr. MEGLINO. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. Have you been threatened?

Mr. MEGLINO. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Senator MUNDT. What happened since the time that you talked to our investigators? You talked to them freely, frankly, fully, and honestly. Now you are afraid to talk. What happened between the time that you talked to our investigators and now that you are unwilling to talk now and were willing to talk then?

Mr. MEGLINO. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Senator MUNDT. It is quite obvious that something happened to change your mind.

Mr. MEGLINO. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Senator MUNDT. How long ago was it that you were interviewed by our investigators?

Mr. MEGLINO. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Senator MUNDT. If this committee can relieve you of the fear or the threats which have been made against you, would you then be willing to talk again as you did then?

Mr. MEGLINO. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. All right.

Stand aside.

(Members present at this point: Senators McClellan, McNamara, and Mundt.)

Mr. KENNEDY. We have another witness, Mr. Chairman, on this same matter, Mr. Anthony Barbera.

The CHAIRMAN. You will be sworn.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BARBERA. I do, sir.

TESTIMONY OF ANTHONY BARBERA

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. BARBERA. Anthony Barbera, 208 Stanton Street, New York City. I drive a truck for Rapture, Inc., in Long Island.

The CHAIRMAN. Thank you, sir.

You have elected to waive counsel?

Mr. BARBERA. Yes. I don't need no counsel, sir.

The CHAIRMAN. Thank you.

Proceed.

Mr. KENNEDY. Mr. Barbera, according to the documents we have, you are listed as a trustee for local 258 in the election that was held for the election of the president of joint council 16. Could you tell the committee the circumstances under which you became the trustee for local 258?

Mr. BARBERA. Well, some time ago, Mr. George Baker, a friend of mine, asked me if it is all right to use my name on the charter. He was going to secure a charter. So I says "O. K."

Mr. KENNEDY. And that was the end of it?

Mr. BARBERA. No. Sometime later they said something about an election.

Mr. KENNEDY. Where were you at the time?

Mr. BARBERA. I was in bad shape. I was drunk at the time, and I don't know whether I went with them or didn't go with them. It is a funny coincidence, but that is just the truth.

Mr. KENNEDY. You were outside of Joe Saud's—

Mr. BARBERA. I was in the bar drinking and I heard them talking about an election and I went up some place and I don't know whether I voted or not. That is the truth.

Mr. KENNEDY. Did a whole group go up to vote?

Mr. BARBERA. I can't say how many, but there were some people.

Mr. KENNEDY. They sort of cleared out the bar and everybody went up and voted?

Mr. BARBERA. No, there were still plenty of customers at the bar.

Mr. KENNEDY. What bar was this?

Mr. BARBERA. Joe Saud's.

Mr. KENNEDY. You don't know whether you voted or not?

Mr. BARBERA. No. I couldn't give you a correct answer. I don't want to say yes or no, as I may be lying. I want to tell you the truth. I remember going to the place where they vote.

Mr. KENNEDY. You remember going to the place?

Mr. BARBERA. We went somewhere, on 14th Street somewhere. I don't know exactly.

Mr. KENNEDY. Who did you vote for?

Mr. BARBERA. I don't know if I voted, so I don't know who I voted for.

The CHAIRMAN. The document that was presented to Joseph Meglino will be made exhibit No. 110.

(The document referred to was marked "Exhibit 110," for reference and will be found in the appendix on p. 4874.)

The CHAIRMAN. I hand you exhibit No. 15, and ask you to examine it and state whether you are familiar with this document, please, sir.

(Document handed to witness.)

Mr. BARBERA. Well, the first time I saw this document was when Mr. Tierney, from the subcommittee, showed it to me and I told him that is the time, probably, I was asked to be a charter member, and that must be it.

Mr. KENNEDY. You are not a charter member. That makes you an officer.

Mr. BARBERA. Well, I didn't know that.

The CHAIRMAN. Now I present to you a letter dated February 2, signed by Harry Davidoff, secretary-treasurer of local 258, and ask you to examine it and state whether you know anything about it.

(Document handed to witness.)

Mr. BARBERA. I have no knowledge about this document, gentleman.

The CHAIRMAN. That may be made exhibit No. 111.

(The document referred to was marked "Exhibit 111," for reference, and will be found in the appendix on p. 4875.)

Mr. KENNEDY. That last document, Mr. Chairman, is the credential of Mr. Barbera. A vote was cast based on these credentials and the vote was impounded, and it was found to be cast for Mr. John O'Rourke.

Do you know John O'Rourke?

Mr. BARBERA. No, sir.

Mr. KENNEDY. Did you know what kind of an election you were going to?

Mr. BARBERA. No, I didn't have no knowledge.

Mr. KENNEDY. Did you think it might have been a political election? Did you know it was a union election?

Mr. BARBERA. No, it wasn't political. I knew it was pertaining to a union. That is, some officer. That is all I remember.

Mr. KENNEDY. Did you know what kind of a union?

Mr. BARBERA. No, sir.

Mr. KENNEDY. You didn't know it was teamsters?

Mr. BARBERA. No, sir.

Senator MUNDT. Did you ever do anything else in your capacity as trustee aside from leaving the bar that day to go up and vote?

Mr. BARBERA. I don't get what you want to ask me, sir.

Senator MUNDT. Did you ever do anything else as trustee, fulfill any other functions or assume any other responsibility?

Mr. BARBERA. No, sir. I never heard from it no more and don't know what happened.

Senator MUNDT. Your career as trustee was limited to leaving Saud's bar and going with a bunch of fellows and you do not know what happened?

Mr. BARBERA. No, sir, I don't know what happened.

Senator MUNDT. Who went with you?

Mr. BARBERA. I don't know. A few people went up. Mr. Baker, I don't think, even was with me.

Senator MUNDT. He was not with you?

Mr. BARBERA. No. A few people went up. I was embarrassed, that it all. I can't remember that particular instance. I don't know who was with me, and I don't know if I was with anybody at all.

Senator MUNDT. You cannot remember who suggested you go to vote?

Mr. BARBERA. No, sir. I just heard people talking about voting and I went somewheres and that is all I remember.

Senator MUNDT. Going back now to a happier day when you were cold sober and Mr. Baker, your friend, said "Do you mind being a trustee of a union?"—

Mr. BARBERA. No, he never approached me as being a trustee. He said, "I want to use your name as a charter member" and that is all. I didn't know what capacity or what. I said it was O. K. I know him as a reputable union official for years, and I couldn't see any harm in it, so I gave him permission.

Senator MUNDT. He did not tell you why he wanted to use your name and you did not ask him?

Mr. BARBERA. No, I didn't ask him. I knew he wouldn't do anything to hurt me.

Senator MUNDT. Did you belong to his union?

Mr. BARBERA. I didn't know the union, he said the charter—

Senator MUNDT. You said you knew him in the union.

Mr. BARBERA. No, I knew him in the neighborhood. When I came out of the Navy, that is when I knew him.

Senator MUNDT. You knew he was in a union.

Mr. BARBERA. Well, I knew he had the job, I didn't know what kind. He was a union official of some kind.

Senator MUNDT. You are a union member as a truckdriver; are you not?

Mr. BARBERA. Well, it is not a truckdriver. I am a union member of the shop where I am now. I am the only one that drives a truck. The whole shop has a truck and I am a member.

Senator MUNDT. Which union is that?

Mr. BARBERA. Local 362 of the teamsters.

Senator MUNDT. Of the teamsters?

Mr. BARBERA. Yes, sir.

The CHAIRMAN. Is there anything further?

You may stand aside. Thank you very much.

Mr. BARBERA. Thank you.

(Members present at this point: Senators McClellan, McNamara, and Mundt.)

TESTIMONY OF JOSEPH CURCIO AND GEORGE BAKER, ACCOMPANIED BY THEIR COUNSEL, ARNOLD COHEN—Resumed

Mr. KENNEDY. Mr. Curcio, could you give the committee any explanation as to how this was handled, the election?

Mr. CURCIO. I must respectfully decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. We have your certification, a certification for Joseph Curcio to vote in the election, also.

The CHAIRMAN. I present to you a document dated February 2, 1956, signed by Joseph Curcio, addressed to joint council No. 16, and it is on local 269 stationery.

I ask you to examine the documents and state if you recognize it. (A document was handed to the witness.)

Mr. CURCIO. I have examined the document.

The CHAIRMAN. Do you recognize it?

Mr. CURCIO. I must decline to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Whose signature is on it?

Mr. CURCIO. I must decline to answer on the ground it might tend to incriminate me.

The CHAIRMAN. Who certified you as entitled to vote in that election?

Mr. CURCIO. I must decline to answer on the grounds that it might tend to incriminate me.

The CHAIRMAN. That may be made exhibit 112, that document.

(The document referred to was marked "Exhibit No. 112" for reference and will be found in the appendix on p. 4876.)

Mr. KENNEDY. These teamster paper locals were all set up in order to influence the election, to decide the election in favor of John O'Rourke in New York; were they not?

Mr. CURCIO. I must decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. And you discussed that with Johnny Dio, did you?

Mr. CURCIO. I must decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. And John McNamara?

Mr. CURCIO. I must decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. And did you know that Mr. Hoffa was behind all of this?

Mr. CURCIO. I must decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. That is all, Mr. Chairman.

Senator MUNDT. Mr. Baker, Mr. Barbera has said—I am not sure whether he said he knew you in the Navy or knew you when you came out of the Navy. Were you in the Navy?

Mr. BAKER. I must decline to answer that question on the grounds that it may tend to incriminate me.

Senator MUNDT. Mr. Chairman, I think we should insist on an answer to that question. This is one that can place him directly in contempt of Congress because there is nothing incriminating about being in the Navy.

(The witness conferred with his counsel.)

Senator MUNDT. This is just not a traveling road show we are running or vaudeville. There are certain times when you can use the fifth amendment and other times when you can obviously not use the fifth amendment.

Mr. COHEN. Would Senator Mundt ask the question again?

Senator MUNDT. Were you in the Navy?

Mr. BAKER. Yes, Mr. Senator, I enlisted.

Senator MUNDT. And did you receive an honorable discharge from the Navy?

Mr. BAKER. An honorable medical discharge.

Senator MUNDT. What year?

Mr. BAKER. Somewhere between 1944—I don't know. Somewhere around that year.

Senator MUNDT. Approximately 1944?

Mr. BAKER. Approximately.

Senator MUNDT. At that time you went back into union activities; did you?

Mr. BAKER. I must decline to answer that question, Senator, on the grounds it may tend to incriminate me.

Mr. KENNEDY. Were you wounded in the war?

(The witness conferred with his counsel.)

Mr. BAKER. I was not wounded, Mr. Kennedy.

Mr. KENNEDY. We put in your criminal record. Is there anything about your Navy record that you want to put in, also?

Mr. BAKER. Nothing, sir.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

The witnesses may stand aside. Call the next one.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. For this morning?

Mr. KENNEDY. Yes.

The CHAIRMAN. The committee will stand in recess until 2 o'clock.

(Whereupon, at 11:45 a. m., the hearing in the above-entitled matter was recessed to reconvene at 2 p. m., of the same day.)

(Members present at the taking of the recess: Senators McClellan, McNamara, and Mundt.)

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

(Members of the select committee present at the convening of the afternoon session were: Senators McClellan, Ives, and Curtis.)

The CHAIRMAN. Some few days ago, on August 3, I received a telegram from Mr. Marshall M. Miller, of 1790 Broadway, New York City, who addressed me as chairman of the committee and said that he was shocked at certain testimony that had been given before the committee and demanded:

That your committee afford me the opportunity to refute these charges and clear my name and permit me to give testimony about the true facts and information which will aid the committee in its problem to eliminate racketeering and slave labor.

I understand Mr. Miller is here today. Is he present? Is Mr. Marshall Miller here?

Will you come around, please?

The Chair makes this observation: We are giving Mr. Miller the opportunity to testify. It will be out of order of the general trend of the investigation now underway. But this was as early as we could accommodate him very well.

So if Mr. Miller wishes to testify at this time, we will grant him that opportunity.

Mr. Miller, do you wish to testify?

APPEARANCE OF MARSHALL M. MILLER, ACCOMPANIED BY HIS
COUNSEL, JACOB P. LEFKOWITZ

Mr. LEFKOWITZ. Mr. Chairman, I am counsel to Mr. Miller.

The CHAIRMAN. Will you identify yourself, please, sir?

Mr. LEFKOWITZ. My name is Jacob P. Lefkowitz, of 150 Broadway, New York City.

On behalf of Mr. Miller I want to thank the committee for this opportunity extended to him pursuant to the telegram which he sent to you and which you have read at this time, Mr. Chairman.

The CHAIRMAN. I didn't read all of it. I just referred to it.

Mr. LEFKOWITZ. And to which you had made reference Monday directly after receipt of the telegram.

As a member of the bar, I wish to certainly express my gratitude because it is in the best traditions of American justice.

Mr. Chairman, at this time I wish to apprise you of this fact, that after the testimony before this committee on August 2 last, on August 3 Mr. Miller, who was the consultant to the Joint Legislative Committee of the State of New York, on labor and industry, was summarily fired. In his indignation at that time he immediately sent a telegram to your committee and requested and demanded that he be heard, and made the same request to the joint legislative committee.

But Mr. Chairman, after these days of calm and a certain amount of serene quiet, Mr. Miller has received a letter from the chairman of the committee which expressed the possibility of being heard at a subsequent date before that committee. At this time, Mr. Miller respectfully asks to withdraw his request of being heard before this committee. He is doing that with the understanding and it is his intention to present and have aired any and all of these charges before the joint legislative committee of the State of New York.

The CHAIRMAN. He does expect to testify before the Joint Legislative Committee of the State of New York?

Mr. LEFKOWITZ. That is correct.

The CHAIRMAN. He wishes now, as I understand you, to withdraw his request to be heard by this committee?

Mr. LEFKOWITZ. That is correct, sir.

The CHAIRMAN. The telegram demanded, and he withdraws the "demand" too?

Mr. LEFKOWITZ. That is right, we withdraw the demand as well as the request. In the interest of Mr. Miller's career, in which he is engaged, and these charges, and after all he lost his job, and he is seeking to have the possibility of continuance, and that would be the more proper place to have such a hearing.

The CHAIRMAN. Let us understand this. The request addresses itself to the committee and I will submit it to the committee.

Mr. LEFKOWITZ. It is an unqualified request, Mr. Chairman.

The CHAIRMAN. That would mean that possibly other testimony will be heard and I don't know whether you think you would want to renew the request again or not. But when we accommodate someone, we hope they have their mind made up as to what they wish to do.

Mr. LEFKOWITZ. I appreciate every word you are saying. In the same vein I submit to you the chronological order of these events and

I respectfully ask that you permit the withdrawal of the demand heretofore made.

The CHAIRMAN. What does the committee think?

Senator IVES. Mr. Chairman, I know something about the situation there in New York State to which the counsel has referred. In the first place, there is no such committee as the counsel specified. I wish you would name it correctly.

Mr. LEFKOWITZ. I will be happy to, Senator. I have here a letter, Senator Ives, which bears the caption, "State of New York, Joint Legislative Committee on Industrial and Labor Conditions."

Senator IVES. That is quite a different title from the one you used.

Mr. LEFKOWITZ. I am sorry, sir, this is the committee I have reference to.

Senator IVES. There is that committee, and that I am acquainted with it. I would suggest as far as I am concerned, that this is a legislative matter primarily dealing with the State of New York.

I would suggest to the distinguished chairman of this committee that if Mr. Miller is excused, and I have some very pertinent questions I would like to ask Miller that might be very embarrassing to him if I did, he be excused with the understanding that he is not to be allowed to come back here for any purpose again unless we call him.

The CHAIRMAN. The Chair has conferred with counsel and it is my purpose to subpoena Mr. Miller to return at such time as we may need him. I am advised that his testimony may become important to this committee, whether it is voluntarily given or whether his presence is required by a subpoena, so the Chair has ordered the subpoena prepared.

We will make the subpoena returnable forthwith and then I will place the witness under recognizance to appear at a later date.

The Chair is advised—and this makes it a little more complicated—that Mr. Miller submitted under the rules of the Senate, a prepared statement which he intended to read and which was in conformity with the rules of the Senate.

On the strength of that, counsel advises we have subpoenaed some witnesses here from New York for the purpose of following up on this testimony. How many witnesses have we?

Mr. KENNEDY. Since Mr. Miller sent the telegram about a week ago, we have conferred with Mr. Miller and we have gone through his books and records and we have had a number of investigators consulting with him and some of his clients and we have had these 2 or 3 investigators working for a period of a week.

We have about 4 or 5 affidavits and we have 3 or 4 witnesses who are prepared to testify in connection with the statements that Mr. Miller is going to, or was going to, make before the committee under oath. I have advised the attorney that the testimony that these witnesses will give and the affidavits are somewhat contradictory to the statements that Mr. Miller was prepared to make under oath before the committee.

Mr. LEFKOWITZ. I might say, Mr. Chairman, that Mr. Miller has voluntarily cooperated and submitted any and all records requested of him by your duly designated investigators and, furthermore, that I am not at all prepared, and neither is Mr. Miller, to know what any of these witnesses may have. As you have outlined, Mr. Ken-

nedy, in view of all of these circumstances, that is why I am making this request.

Mr. KENNEDY. I would like to say that the attorney for Mr. Miller has been most cooperative, and we have had a conversation about this before. But we have done this work in the period of the past week, and we do have this information that, perhaps, does reflect adversely on Mr. Miller. In fact, without any question, it reflects adversely, as I have advised you. They are in connection, I might say, both with his duties or his work as an attorney and also in connection with his duties as an investigator to the legislative committee in New York.

The CHAIRMAN. Well, the Chair is going to let the witness stand aside for the present. In the meantime, we will proceed with whatever we have. You come down here to testify voluntarily, and, if you do not want to testify voluntarily, of course, that is your privilege. I am going to grant the request to withdraw the demand and request to be heard, but I want to place the witness under subpoena and under recognizance to reappear and give your testimony at such time as this committee may desire it. If you will agree to do that without being resubpenaed, upon reasonable request of time and notice to him or to his counsel, I am going to let him stand aside. Otherwise, we will proceed to swear him and take his testimony.

Is that satisfactory, Senator Curtis?

Senator CURTIS. It is all right with me.

Mr. LEFKOWITZ. Mr. Chairman, I have heard your statement and, on behalf of Mr. Miller, my client, he certainly, of course, accedes and consents to the request you make, and will stand ready to comply with your request.

The CHAIRMAN. Just a moment. Mrs. Watt, deliver that subpoena to the witness, please, here in the presence of the committee.

(The document was handed to Mr. Miller by the chief clerk.)

The CHAIRMAN. Now, Mr. Miller, you will be placed under recognizance to reappear at such time as the committee may desire to hear you, and that will be upon reasonable notice of the time, and without further subpoena; do you agree?

Mr. MILLER. I do, sir.

The CHAIRMAN. You may stand aside.

Mr. LEFKOWITZ. Thank you very much.

Mr. KENNEDY. Now, we have this information, based on what Mr. Miller was going to say, and it is just a question of what you want to do with it.

The CHAIRMAN. I have not read what he was going to say, and I cannot pass snap judgment on it. We will have to wait a few minutes, at least. Let us proceed with the other testimony.

Mr. KENNEDY. Do you want to have the witnesses and the information we have on Miller presented to the committee, including the affidavits and the witnesses regarding Mr. Miller's activities in New York?

The CHAIRMAN. The Chair is ready to proceed. Call the witness.

Mr. KENNEDY. I would like to say, first, Mr. Chairman, we have two affidavits. Mr. Miller gave a little of his background, in which he stated how he moved from one union to another. We have some affidavits here that tell a little bit of his career. I will get those.

The CHAIRMAN. Now, the Chair feels that Mr. Miller has put this committee and the Government to some trouble and expense. I am going to permit the affidavits to be read, and it will give him further notice of information the committee has.

I am going to permit them to be read. Do you have witnesses here to call?

Mr. KENNEDY. Yes, Mr. Chairman; we are just trying to get organized here.

(At this point, Senator Kennedy entered the hearing room.)

Mr. KENNEDY. Could we have 3 minutes of recess, Mr. Chairman?

The CHAIRMAN. We will take a 3-minute recess.

(Recess.)

The CHAIRMAN. We will proceed.

(Members of the select committee present at this point: Senators McClellan, Ives, Kennedy, and Curtis.)

The CHAIRMAN. The Chair is now advised that Mr. Miller has changed his mind, and he is willing to testify.

Come around, Mr. Miller.

Let us have order, please.

Mr. Miller, will you be sworn, please? Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MILLER. I do.

TESTIMONY OF MARSHALL M. MILLER, ACCOMPANIED BY HIS COUNSEL, JACOB P. LEFKOWITZ

The CHAIRMAN. Mr. Miller, you submitted a statement, under the rules of the committee, which you said, I believe, you would like to read.

Mr. MILLER. That is right, Senator.

The CHAIRMAN. All right. You may identify yourself for the record.

Mr. MILLER. My name is Marshall M. Miller. I reside in the community of Lawrence, N. Y. I have a labor relations consultant firm located at 1790 Broadway, New York City.

The CHAIRMAN. Thank you very much.

Counsel, will you identify yourself for the record?

Senator IVES. May I ask a question there?

The CHAIRMAN. Let me get the name of the counsel.

Mr. LEFKOWITZ. Jacob P. Lefkowitz, 150 Broadway, New York City.

The CHAIRMAN. Thank you very much.

Senator IVES. Mr. Miller, I have before me a letterhead dated February 15, 1950, which reads, "Morris Miller, labor-relations consultant, 401 Broadway, New York 13, N. Y." Is that any relative of yours?

Mr. MILLER. Senator, I was born in the Borough of Brooklyn, N. Y., on March 9, 1912, under the name of Morris Miller. The name was changed officially in the courts of the city of New York about a couple of years ago, under the name of Marshall M. Miller.

Senator IVES. Will you be so kind as to tell me why you had it changed "Morris" is a perfectly good name.

Mr. MILLER. Senator Ives, I felt that "Marshall M. Miller" was a very good name, also.

Senator IVES. I am not denying that, but I am just curious. What is the middle initial for?

Mr. MILLER. It isn't so much the initial, but I like the name "Marshall" in preference to "Morris."

Senator IVES. You know, I am named "Irving," and there are names I can think of that I might like to have. I would like to know what your real reason was for changing your name.

Mr. MILLER. I might say that that is the only reason, Senator. I have used the name "Marshall" at times going back to 1949 or 1948, when I was a director of organization for the American Federation of Labor; that is, one of its affiliates. I had used the name, depending on the climatic conditions as to what part of the country I was in.

Senator IVES. You mean "Morris" didn't fit some parts of the country very well?

Mr. MILLER. That is true, sir.

Senator IVES. Now tell me honestly, what parts of the country don't like "Morris"?

Mr. MILLER. I might say some of the southern parts that I have visited.

Senator IVES. What parts?

Mr. MILLER. Some of the southern parts of the country that I have visited.

Senator IVES. Southern parts?

Mr. MILLER. That is right, sir.

Senator IVES. I never knew that the southern part of the United States objected to the name "Morris."

Mr. MILLER. Well, they even objected to organizers, and I recall a beating—

Senator IVES. That has nothing to do with the name. I am talking about the name of a person. "Morris" is a perfectly good name.

Mr. MILLER. I agree with you.

Senator IVES. Well I am trying to find out why you changed it. You say you like "Marshall" better?

Mr. MILLER. I answered that, Senator.

Senator IVES. I know, but you didn't answer it to suit me.

Go ahead. I don't want to interrupt any further, Mr. Chairman.

The CHAIRMAN. All right, let us let the witness proceed. If you would like to read your statement, Mr. Miller, you may do so.

Mr. MILLER. This statement is made under oath, pursuant to rule 12 of the rules of procedure of the Select Committee on Improper Activities in the Labor or Management Field.

As soon as I learned of testimony before this committee by a witness named John McNiff on Friday, August 2, 1957, I immediately requested that this honorable committee afford me the opportunity of appearing before it and answering under oath what I consider to be one-sided and false statements about my name, character, and reputation. I have voluntarily submitted myself and my records and tax returns since 1949 to the investigators of this committee and have cooperated with their investigation fully.

I wish to take this opportunity of expressing my very sincere gratitude to this committee for this opportunity which is in the true tradition of American justice.

I am 45 years of age, married, and reside with my wife and three children in Lawrence, N. Y. I maintain offices at 1790 Broadway, New York City, wherein I am engaged in the practice of labor relations consultant. I have been thus engaged for the past 7 years.

I am fortunate enough to have many companies who retain my services as a labor adviser and I enjoy the respect of many honest and truly representative labor officials. I do my utmost to carry forth my duties in behalf of the companies I represent to negotiate terms and conditions in behalf of the employers that I represent most suitable to them and, at the same time, consonant with proper and legitimate union demands and generally reach agreements that are predicated on ability to pay on the part of the employer and the demands that labor's representatives are able to extract from management.

Prior to 1950 and for about 9 years I was employed as a representative of labor unions and have held various and sundry positions in different labor unions throughout the United States. To the best of my knowledge I can certify that when I represented the side of labor I exhausted every legal means with propriety and diligence in the campaign in which I was engaged in behalf of labor and, to attest to the truth of this statement, I can submit the following record which I believe speaks for itself:

My first position with labor was that of national representative of the Industrial Union of Marine and Ship Building Workers, CIO, in or about 1941. I thereafter was elevated to the position of administrator working directly under the then secretary-treasurer of the union, Philip Van Gelder.

Thereafter I was hired as the regional director for the United Furniture Workers, CIO, by Morris Muster, its president, assigned to the Michigan area. During this period I was elected as the president of the Kent County, Mich., Industrial Council, and also became a labor panel member of the War Labor Board working out of the Detroit area.

Thereafter I denounced the Communist infiltration of the union and resigned my position as president of the council and as regional director of the Furniture Workers Union, CIO, and went to work for the upholsterers union as a regional director.

Also in 1946 I was the Democratic candidate for State senator of Michigan, under the slogan, "The only candidate openly fighting the Communists."

I was elevated to assistant director of organization, and on or about January 1948 I was elevated to international director of organization for said union. In this capacity I continued until December 1949.

When I resigned in 1946 I had no reluctance in leaving because at that time communism was rife in the union. As a result of my constant and forceful opposition to communism throughout my life, I suffered physical harm and, at one time, my automobile was wired with a bomb.

In the latter part of 1949 the union with which I was connected was not permeated with communism, but this time this union was controlled and dominated with a stronger dictatorship than prevails in Russia. When I fired several men who were supposed to be organizers but were, in fact, underworld characters, I was threatened and told I could not fire them. When I persisted, I was framed and fired.

By that time I had enough of all union activity. My wife had just come out of a tubercular sanitarium and I decided to engage in what I thought to be a more peaceful pursuit in the field where I could utilize the best of my talents, experience, and knowledge to the best advantage and for the most good. I commenced the practice of labor-relations consultant.

I had hardly opened my office when I was visited by the resident counsel of the upholsterers union, who tried in every which way to exact a promise from me that I would not represent any employers under contract to the said union.

When I refused, he said, "You know the chief with his connections and power. You may be sorry." My reply was, "My door will be open as a businessman to any employer."

The CHAIRMAN. Would you tell us who "the chief" was?

Mr. MILLER. The chief was Sol B. Hoffman.

The CHAIRMAN. Thank you.

Mr. MILLER. In 1954, I had the good fortune to be named consultant to the New York State Joint Legislative Committee on Industry and Labor. I have served this position with dignity and honor, and have betrayed no trust at any time.

Senator IVES. I would like to interrupt him there, Mr. Chairman. You evidently did not have very much to do with this committee or you would know its title. That is not the New York State Joint Legislative Committee on Industry and Labor. It is the New York State Joint Legislative Committee on Industrial and Labor Conditions.

Mr. MILLER. I just shortened the terminology.

Senator IVES. You don't do that when you are talking about the title of a committee.

Mr. MILLER. I am sorry.

The CHAIRMAN. Let us proceed.

Mr. MILLER. I was fired on August 3, 1957, as a result of the testimony given before this honorable committee on August 2, 1957, by Mr. McNiff.

I deny the accusations made against me. The Textile Trades Association, Inc., of which I am executive director, has been made a subject of criticism. This association has a membership of about 25 or 26 out of approximately 100 shops under contract with Local 229, United Textile Workers of America, who are engaged in more or less the similar industry. Nothing contained in the mast agreement, bylaws, or certificate of incorporation is in anywise prejudicial or detrimental to our citizens of Puerto Rican origin or any other origin. And the purpose of this association is to maintain freedom from unjust exactions, regular conditions of employment, and maintain industrial peace.

As a representative of management, I try to do the best job possible within the confines of propriety, law, good taste, and judgment, to secure for my employer the best possible terms in any contract that I am called upon to negotiate. And by the same token, the union, I have found, tries to exact the most that the employer stands ready to yield to in its demands in behalf of the employees that it represents.

On page 439 of the official stenographic minutes of the proceedings before this committee, on August 2, 1957, Mr. McNiff said:

Miller has appeared to represent the Keystone Garter Co. recently. This company—

and I am quoting, by the way—

employed 60 Puerto Rican workers, and for the past 4 years has paid the dues of all the employees to local 138 of the distillery workers union. What the garter shop was doing with the distillery workers union, I don't know.

The true facts are that I have never represented the Keystone Garter Co. in any contract negotiations or decertification proceedings except in one singular proceeding, and that was a mediation proceeding before the New York State Mediation Board after a union had taken the workers of this shop out on strike, and I am referring to the 60 Puerto Rican workers who were working for the Keystone Garter Co. and the union which took them out on strike was Local 485 of the Industrial Union of Electrical Workers, CIO.

And Mr. McNiff did not say, "What did the electrical workers have to do with a garter shop?" And I daresay he did not say that, because it was the ACTU, which he represents, which led these 60 Puerto Rican garter workers from Local 138 of the Distillery Workers Union to Local 485 of the Electrical Workers Union.

In practically all the contracts of employers whom I have represented, or represent, the workers have received welfare funds, holidays, vacations, and all other benefits that are generally found in good labor contracts.

At page 433 of the stenographic record of the proceedings before this committee, on August 2, 1957, much is made about a worker from the Macon Umbrella Corp. who rose and stated that he had been in the union since 1952 and was earning only \$42 weekly and, by innuendo, that I was responsible one way or another for that lowly salary that this worker was receiving.

Well, at the outset, let me set the record straight: I never represented the Macon Umbrella Corp. in any negotiations of contract except in union-decertification proceedings, which was much later to the execution of the contract. I might further state that the charge which was filed against the company that the worker referred to was dismissed for attempting to lead the workers to decertify the union, and that he was unjustly fired for his activity. This complaint was thoroughly investigated and dismissed by the National Labor Relations Board. And the petition which was filed in the proceedings for decertification was not granted, in that only 15 workers voted to decertify, and those did not comprise a majority.

I wish to state at this time that, I for one, have never set myself up as a champion of any particular class or creed of our citizenry. I have always believed, and believe now, in equal opportunity for all at all times.

Mr. McNiff makes it appear, by his testimony, that members of unions are kept from meetings or are not informed of the need to participate in meetings or are deprived of their right to be present at meetings. The truth of the matter is that many union members do not take the trouble to learn the need of attending union meetings and participating with their fellow workers in the best interests for themselves.

Victor Riessel wrote a whole column recently on the failure of union members to attend meetings and participating in union activities.

At page 438 of the official stenographic minutes of August 2, 1957, of this committee, the charge is made by Mr. McNiff:

He was fired by the union for making collusive deals with employers in 1949. Immediately, he went into business as a management consultant. Approached and was hired by many of the employers with whom he had made deals in the past.

This is wholly untrue.

The truth is that I did not represent in any manner, shape, or form, directly, indirectly, or otherwise, any employer who had any dealings whatsoever with the Upholsters International Union. It wasn't until about 5 years after engaging in my present business of labor-relations consultant that I obtained my first client, who had contract relations with the Upholsterers International Union. And, to this very day, I have had a total of one client who has relations with such union.

In any event, I don't represent unions; I don't receive any compensation from any union, directly or otherwise. My interests and my income is derived solely from employers. In my work as a labor consultant, I represent an employer with whatever union he may have have dealings.

I know many labor officials. With those that I know and, in particular, the ones mentioned by Mr. McNiff in his testimony before the committee, there has never been any collusion between myself and them and I have never received any compensation from them nor have I, in return, given them any compensation, directly or indirectly. I have never had any dealings with Dio or any of the paper locals stemming from him or through him, to the best of my knowledge.

I must, however, for the record, state that consonant with existing social and business practices, I have from time to time, been called upon for advertisements in souvenir journals at union affairs, none of which, I believe, have exceeded \$100, and have been invited on occasion to union dinners for which I had to purchase tickets and at other times have been the invited guest to the celebration of some family function of some labor official or clients, at which time I would give an appropriate gift. I also have, on 1 or 2 instances, spent a holiday weekend with labor officials at a resort hotel at my expense.

Also, on 1 or 2 occasions I was called by a labor organization for the purpose of endeavoring to mediate a long drawn out and stalemated labor strike and was paid the expense for travel to and from the location where the strike was taking place, plus my day's expense.

Further, insofar as the aspersion of any possible collusion between myself and Mr. Katz of Local 229, United Textile Workers of America, I have no continuing retainer with any employers who have contracts with Mr. Katz' union, Local 229, United Textile Workers of America, and that the fees that I have charged for representation was not on a retainer basis, but on a one matter representation at a low fee.

There is only one company with which I have had a retainer for about 4 years at \$100 a month. I was hired by the company after an interview by its attorney, and that is the only and singular client on a retainer basis with Katz' union, local 229.

My new position as executive director of United Textile Trade Association, Inc., which has contract relations with local 229, commenced in January 1957, and consists of a membership, 26 in number, at a retainer with the association predicated at \$100 a year per member which includes, however, secretarial, mailing, and office facilities to be furnished at my expense.

By the same token I have other clients on regular retainer basis for many years whose fees run from \$60 a month to over \$500 per month with other unions.

In the New York Journal-American of August 7, 1957, Mr. McNiff is quoted as saying:

We try to get 30 percent of the workers to sign a petition to stop paying union dues. Once that's done, we can start working to get a legitimate union into the shop.

Mr. McNiff, to my knowledge, has been using Local 485, IUE, to so-call liberate the workers. Apparently he is unaware that three of the union officers of this local were cited by the Senate Internal Security Committee as being Communists as recently as several days ago.

From the overall picture of his testimony before the committee, it is made to appear that I have in some way been instrumental in creating or maintaining a condition whereby dishonest labor officials can create labor strife at the cost and expense of the poor worker and/or employer.

The facts are these: In the State of New York the law provides no means for enjoining or preventing organizational picketing, commonly known as educational picketing, as long as it is conducted in a peaceful manner.

This is a condition that has existed, is existing, and will continue to exist until such time as the law is amended. It is a maxim that almost any employer would much rather his shop be without a union than with a union.

The law, being such as it is, any union, good or evil, honest or dishonest, can come along even before the employer has commenced operations and demand a contract with his union and if his demands are not met he can throw a picket line around the employer's premises.

In most instances the mere threat of a picket line is fatal to the continuance of a business. This is sufficient to have the employer capitulate to the union's request for a contract.

Some unions do not even afford the opportunity to negotiate and they present outrageous demands and an employer would rather close his business if he had to sign with them. And it must be noted that when said union make such demands in almost all instances they do not have any representation whatsoever of the employees of the shop.

Yet, the employer is utterly helpless except for proceedings before the labor boards which cannot enjoin the threatened trouble. The employer faces almost certain extinction unless he signs.

Faced with such a dilemma, the employer is compelled to seek out some union who will give him a greater consideration in its demands and sign with them. The niceties, the legalities are brushed aside by such employer and by such union and that applies to all unions, good or bad, because in this dilemma the employer has no choice or remedy at law.

Since the law provides no means of recourse against such acts he is compelled to seek refuge.

On this cesspool of economic strife, the honest labor union moves forward with ever greater strength because it is so much easier for them to sign up new and greater members of shops via this very convenient but paradoxical painful method to the employer of education and/or organizational picketing.

And this same route provides the widest avenue and the most wonderful approach for the dishonest, unethical and criminal element in the labor movement to rush in and fill this vacuum of law by providing succor and obvious assistance to the employer who is helpless in the light of absence of law.

On this same subject, the law provides no relief to an employer who suddenly finds himself with demands from a wholly foreign or strange union who makes demands upon him when actually such union has no representation whatsoever amongst the employees.

Actually, there is no dispute of any nature or kind possible between such employer and such union, but, nevertheless, on the morning thereafter, lo and behold, pickets appear with signs reading, "This shop unfair to organized labor," and even though such union knows that the legend carried on the sign is false, that the demands made upon the employer are groundless and that they, the union, represent no one or perhaps a small minority in the shop of such employer, they are nevertheless certain about the law.

The law provides no means of enjoining such strife. And these same labor officials know that if the employer shall retain a lawyer or a labor-relations consultant to take steps before the Labor Relations Board, these cases will linger on the calendar of the labor boards indefinitely and, at the same time, sufficient time is gained for them to slowly but surely throttle the employer and force him to his knees.

As consultant to the New York State Joint Legislative Committee on Industrial and Labor Conditions, I have time and again championed and urged the amendment of the civil practice act of the State of New York to eliminate thereby, this evil practice of educational and organizational picketing, the very vehicle which is used so successfully by any and all unions to the detriment of management and law and the general welfare of the community.

The organization of commerce and industry has appeared before the committee and urged the same thing. As recent as July 16-17, 1957, at a conference of the committee held in Lake Placid, N. Y., No. 5 of the agenda before the committee had:

Proposed amendments to the civil practice act in relation to the definition of a labor dispute.

At this conference I again urged the change of the law to eliminate this evil practice which fosters evil and upon which the criminal element in the labor unions thrive and grow fat.

Eliminate this type of labor strife, namely, the fiction or "Unfair to organized labor" picketing, organizational and/or educational picketing and you can with one stroke eliminate the avenue through which the criminal elements in labor march within the full light of the law and to the utter detriment of the good and welfare of society.

Time and again I have urged the removal of unions from the insurance business. I firmly believe in welfare benefit plans for all workers. And I further believe that the employer shall pay for same.

His payments, however, should be made directly to the insurance companies and not to the unions. In so doing, every dollar the employer contributes would buy one dollar's worth of the maximum benefits available. When the union buys it, the union retains the dividends and only 40 to 70 cents of the dollar is spent to buy these benefits for the workers.

The balance remains in the union treasuries, thus amassing millions of dollars, creating fat union bank accounts but not fat welfare benefits for the workers which the employer is paying for.

In all my years as a labor-relations consultant to management, I have always tried to secure the maximum in wages and working conditions for the employees of my clients within the employer's ability to pay for the maintenance of maximum production and industrial peace.

The CHAIRMAN. All right, sir, is there anything you wish to add to it?

Mr. MILLER. I have nothing to add, sir.

The CHAIRMAN. All right.

Counsel, do you have any questions?

Mr. KENNEDY. Just a couple of questions on the United Textile Trade Association. You represent them, do you?

Mr. MILLER. As executive director, sir.

Mr. KENNEDY. And that association is made up of how many shops?

Mr. MILLER. Twenty-five or twenty-six.

Mr. KENNEDY. And they have a contract with local 229?

Mr. MILLER. They have a master contract with local 229.

Mr. KENNEDY. And who is the head of local 229?

Mr. MILLER. Mr. Archie Katz.

Mr. KENNEDY. Now, have you ever represented Mr. Katz?

Mr. MILLER. I have not.

Mr. KENNEDY. Have you ever held yourself out as a representative of Mr. Katz?

Mr. MILLER. I have never held myself out to represent Mr. Katz. To the best of my knowledge, Mr. Katz has an attorney who is on an annual retainer with him.

Mr. KENNEDY. You have never held yourself out as representing Mr. Katz.

Mr. MILLER. Mr. Kennedy, if you are referring to my appearance on the TV program, I will say to you that I did appear on a Spanish TV program.

Mr. KENNEDY. As a representative of Mr. Katz?

Mr. MILLER. Not as a representative of Mr. Katz. I appeared there. I was asked to appear and I appeared.

Mr. KENNEDY. But not representing Mr. Katz?

Mr. MILLER. Not to my knowledge.

Mr. KENNEDY. You would know.

Mr. MILLER. I went there with a couple of doctors.

Mr. KENNEDY. Did you hold yourself out as a representative of Mr. Katz at that time?

Mr. MILLER. Not to my recollection.

Mr. KENNEDY. You would know whether you had or not.

Mr. MILLER. No, I don't, not to my recollection.

Mr. KENNEDY. Did you hold yourself out as a representative of local 229 at that time?

Mr. MILLER. I don't recall.

Mr. KENNEDY. Do you think that you might have?

Mr. MILLER. I don't know, sir.

Mr. KENNEDY. Well, now, you were representing the employers with that local and I would think you would know.

Mr. MILLER. I did not go down there to represent employers either. I was asked to appear on TV and I appeared. If George Meany would ask me to appear on TV tomorrow, I would appear with him.

Mr. KENNEDY. Who asked you to appear?

Mr. MILLER. I think Mr. Katz asked me to go down there.

Mr. KENNEDY. What fee do you receive from these employers?

Mr. MILLER. The members of the association, you are talking about?

Mr. KENNEDY. Yes.

Mr. MILLER. \$100 per member for the year.

Mr. KENNEDY. \$2,400 for the year?

Mr. MILLER. There are 26 members and I would get \$2,600 for the year, and I have been retained just for 1 year.

Mr. KENNEDY. Now, Mr. Chairman, I have just a few more questions on this. We have a number of affidavits. Starting on page 2, on Mr. Miller's statement he said:

Therefore, I was hired as regional director for the United Furniture Workers, CIO, by Morris Muster, its president, assigned to the Michigan area. During this period I was elected as president of the Kent County, Mich., Industrial Council, and also became a labor panel member of the War Labor Board working out of the Detroit area.

Thereafter, I denounced the Communist infiltration of the union and I resigned my position as president of the council and as regional director of the Furniture Workers, CIO, and I went to work for the upholsterers union as a regional director.

Also in 1946 I was the Democratic candidate for State senator of Michigan, under the slogan, "The only candidate openly fighting the Communists."

We have an affidavit on this first statement of Mr. Miller's, Mr. Chairman.

(At this point, Senator McNamara entered the hearing room.)

Mr. KENNEDY. That is Mr. Stephen Dunn.

The CHAIRMAN. I am going to ask counsel to read the affidavit, Mr. Miller. You may pay attention to it.

Mr. KENNEDY (reading):

I, Stephen F. Dunn, being first duly sworn—

The CHAIRMAN. Do you know Stephen F. Dunn?

Mr. MILLER. I recall the name of Stephen F. Dunn. Stephen F. Dunn was an attorney to the best of my recollection, representing furniture manufacturers at the time that I was in charge of the organizational campaign in his area, and I have known him to be opposed to every conceivable paragraph in a labor agreement.

The CHAIRMAN. I just wanted to know if you knew him just as a way of checking to see whether he knows anything or not.

Mr. KENNEDY (reading):

I, Stephen F. Dunn, being first duly sworn, depose and say:

While practicing law in Grand Rapids, Mich., I was acquainted with one Morris Miller, whom I am informed now is known as Marshall Miller.

When he first arrived in Grand Rapids, 2 or 3 years prior to 1946, he held an office with the United Furniture Workers of America, CIO. I represented certain employers in the furniture industry in Grand Rapids, having union contracts with the United Furniture Workers, CIO.

Therefore, I had a course of dealings with said Miller continuously over a period of 2 or 3 years.

In 1946, I heard that Miller was leaving the United Furniture Workers, CIO, and was going to work for the Upholsterers International Union, AFL. Shortly after I heard this rumor, said Miller came to my law office. He told me that

he had deliberately left the United Furniture Workers, CIO, without giving them any notice, as he thought he could make more money if he could make a deal with the Upholsterers International Union, AFL.

He told me that he had promised the president of said UIU-AFL union that, if that union would "make it worth his while" that he, Miller, could deliver all the furniture plants having UFW-CIO contracts, as he, Miller, controlled the situation and would deliver the plants regardless of the wishes of the workers.

He did not then say to me that he was leaving the CIO because of alleged communism within that organization.

Miller then said, in effect, that he had the employers just where he wanted them. He said that "muscle men" and "trigger men" would be brought into Grand Rapids and western Michigan would see the bloodiest and worst jurisdictional union fight which ever occurred.

He indicated that he knew he could not make good on his promise to the UIU-AFL, that he knew there would be jurisdictional disputes, but that he had left the UFW-CIO, and was now on the payroll of the UIU-AFL.

He said that it would be worth a lot to the employers for him to leave town so as to "avoid all this trouble" and he asked me, in effect, "how much it would be worth to the employers to get him out of town."

I, in effect, asked him how long it would take him to get out of my office. A short time thereafter, after unsuccessfully trying to deliver all the CIO furniture plants to the AFL, Miller left Grand Rapids. I then heard that he was discharged by the UIU-AFL, and no longer was connected with the labor-union movement.

Further, I say not.

(Signed) STEPHEN F. DUNN.

WASHINGTON,

District of Columbia, ss:

The foregoing affidavit was subscribed and sworn to before me this 14th day of August 1957.

[SEAL]

(Signed) VIRGINIA TALBOTT, *Notary Public*.

My commission expires on December 15, 1957.

Mr. Chairman, we then have some affidavits. Mr. Miller states over here:

I was elevated to assistant director of organization, and on or about January 1948 I was elevated to international director of organization for said union. In this capacity, I continued until December 1949. In the latter part of 1949, the union with which I was connected was not permeated with Communists, but this time this union was controlled and dominated with a stronger dictatorship than prevailed in Russia. When I fired several men who were supposed to be organizers, but who were, in fact, underworld characters, when they persisted, I was framed and fired.

Mr. Chairman, we have 2 or 3 affidavits and some letters in connection with Mr. Miller's next employment, where he says he was framed and fired.

The CHAIRMAN. You may read this affidavit.

Mr. KENNEDY. This, Mr. Chairman, is the next employment of Mr. Miller. It is from Arthur G. McDowell, director of civic education.

[Reads:]

Mr. Arthur G. McDowell, director of civic education and governmental affairs for the Upholsterers' International Union of North America, AFL-CIO, duly sworn, deposes and states:

I make this statement at the request of Mr. Leo C. Nulty, known to me to be an investigator for the United States Senate select committee investigating into the improper activities of labor and management.

Senator MUNDT. Let us find out, first, whether Mr. Miller knows Arthur G. McDowell.

Mr. MILLER. Arthur G. McDowell is the man I replaced, who, at the time I was working for the union, was director of organization. I had taken his place. I do know him.

Senator MUNDT. You knew him at that time?

Mr. MILLER. I do, Senator.

Mr. KENNEDY (reading):

This statement is made of my own free will, without any promise of favor or immunity. I have been informed and realize that this statement may be used and introduced into evidence in a public hearing before the United States Senate select committee investigating the improper activities of labor and management, and swear that the statements contained herein are true.

Morris Miller, who is also known as Marshall M. Miller, was employed by the upholsterers union as an organizer under my direct supervision from 1946 until about January 1948, from January 1948 until December 12, 1949. Miller was organization director of the union, at which time I was administrative assistant to the president, Mr. Sal B. Hoffman. The last few months of Miller's employment in this capacity by the union, he was engaged in organization work for the union in New York, N. Y.

Miller was dismissed on December 12, 1949, from our union because of evidence obtained that he had solicited a bribe from officials of the Sharco Co., of New York. Mr. Sal B. Hoffman, president, and Mr. George Bucher, vice-president of our union, confronted Miller with the charges against him in the presence of Mr. David Scharaga, of the Sharco Co., and Mr. Arthur Ortner, counsel for the same concern. Miller would not deny the charges against him, and was, therefore, dismissed from the union at that time, December 12, 1949.

Any allegation that Miller was discharged for any other reason than that set forth above is false.

Miller was not dismissed because he fired anyone from the union's employ. Neither Miller nor any other executive of the union, save President Sal B. Hoffman has the authority or has exercised the authority of dismissal.

Sworn to before me this 9th day of August 1957.

[SEAL]

JOHN KNOELL 3d, Notary Public.

ARTHUR G. McDOWELL,

Affiant.

We have another affidavit. Mr. Chairman.

This is a letter that was written at that time, December 8, 1949.

The CHAIRMAN. The Chair does not permit the letter to go into the record unless it is identified. It was obtained from what files?

Mr. KENNEDY. It was obtained from the files of Mr. Scharaga from whom we have the affidavit.

The CHAIRMAN. Read the affidavit first, and, if it identifies the letter, that will be all right.

Mr. KENNEDY (reading):

STATE OF NEW YORK,

County of Westchester:

David Scharaga, being duly sworn, deposes and says:

That I reside at 295 East Lincoln Avenue, Mount Vernon, N. Y.

That I am a principal in Sharco Manufacturing Co., Inc., and was a principal in 1949, with offices at 885 East 149th Street, Bronx, N. Y.

That we were negotiating with Local 601 of the Upholsterers' International Union regarding wage increases under the terms of the contract with the union during the summer of 1949, having had numerous meetings with Morris Miller (also known as Marshall Miller), director of organization of local 601, and Harold Newton.

That we could not arrive at an agreement because Arthur Ortner had not completed negotiations with CIO Local 140 for the balance of the bedding industry.

That it was agreed by those present at the meeting (namely, Morris Miller, Arthur Ortner, Harold Newton, Sam Marion, Abe Kline, Bill Summers, myself, and the shop committee, which included Lillian Colton, Robert Fumia, and others) that there would be a cessation of negotiations until Arthur Ortner negotiated a contract with local 140.

That negotiations were reopened the week of September 19, 1949, with Morris Miller, Harold Newton, Sam Marion, Bill Summers, Arthur Ortner, Lillian Colton, and her committee.

That, during this meeting, Morris Miller requested and obtained a private interview with Mr. Ortner in my private office over the objections of Mr. Newton.

That, approximately one-half hour later, Mr. Artner asked me to come into my office, and told Miller to repeat to me what Miller had told to him.

That Mr. Miller said to me, in substance, the following :

"The retroactive increases from September 1 to date would amount to approximately \$600. Instead of giving the \$600 to the employees of Sharco, give it to me, and I will then have a meeting with the employees and tell them that Sharco is working under a hardship and cannot pay back wages to September 1 and that the effective date of the increase will be October 1."

That I recall addressing myself to Mr. Ortner, saying, in substance, the following :

"I don't think it would be fair to the employees to sell them down the river and not give them their increases as we promised, retroactive to September 1. I made this promise to the employees, and under no circumstances will I fail to keep that promise."

I then said to Miller, "I intend to keep my promise to the employees ; however, I will give you \$200, which is the most I can afford to give you."

That Mr. Miller said he expected at least \$400, but I remained firm in my offer ; that Miller bargained further, lowering his demand to \$300, but I continued to stand on my original offer of \$200, which he finally agreed to accept.

That I told Miller that I do not have the money with me and that, unless he was willing to accept a check, he should come back at a later date. Miller agreed to the acceptance of cash, but declined receiving payment of the \$200 in the form of a check.

That approximately 1 week later Miller called me on the telephone and inquired concerning arrangements for the payment of the \$200. Miller came to the office about noon, and I had Miss Roslyn Werber, bookkeeper for the firm, prepare a check for \$200 payable to cash and which I signed.

That I instructed Miss Werber to have the check cashed at the bank. When Miss Werber returned from the bank she gave me the \$200 in cash.

That I then turned over the \$200 in cash over to Miller.

That on September 29, 1949, the employees of Sharco were paid the agreed increase retroactive to September 1, 1949.

DAVID SCHARAGA.

Sworn to and subscribed to before me this 13th day of August 1957.

HARRY LEVY, *Notary Public*.

The CHAIRMAN. The Chair presents to you a letter signed by David Scharaga, addressed to Sol B. Hoffman, president, Upholsterers' International Union, dated December 8, 1949. I ask you to examine that letter and see if you identify it.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. LEFKOWITZ. Mr. Chairman, the witness has examined the letter.

The CHAIRMAN. Let the witness answer.

Have you examined the letter?

Mr. MILLER. I have never seen this letter prior to this moment, Senator.

The CHAIRMAN. You cannot, then, identify it?

Mr. MILLER. I have never seen this letter.

The CHAIRMAN. Did you know about it prior to this?

Mr. MILLER. I knew about it, Senator.

The CHAIRMAN. You had heard of this letter?

Mr. MILLER. I have heard of the letter.

The CHAIRMAN. And heard of its contents?

Mr. MILLER. I have heard of its contents.

The CHAIRMAN. All right.

Was that procured under subpoena?

Mr. KENNEDY. Yes.

The CHAIRMAN. The letter may be made exhibit 113.

(The document referred to was marked "Exhibit 113," and is as follows:)

The CHAIRMAN. You may read the letter, if you like.

Mr. O'DONNELL (reading): This is addressed to Mr. Sol B. Hoffman, president, Upholsterers' International Union, 1500 North Broad Street, Philadelphia, Pa.

DEAR MR. HOFFMAN: In reply to your request for detailed information regarding the recent incident of Mr. Morris Miller, your director of organization, please be advised that the events occurred as follows:

We were negotiating with your union, local 601, regarding wage increases under the terms of our contract with you. We had numerous meetings with your Mr. Morris Miller and Mr. Harold Newton regarding the proposed wage increases requested by your union. However, we could not reach an agreement because negotiations were then going on between Mr. Ortner and the CIO Local 140.

It was then agreed at a meeting attended by Mr. Morris Miller, Mr. Harold Newton, Mr. Abe Kline, Mr. Dave Scharaga, Mr. Bill Summers, Mr. Sam Marion, Mr. Arthur Ortner, and the shop committee consisting of Mrs. Lillian Colton, Mr. Robert Fumia, Mr. Gilbert Awale, Mr. John Russo, that there would be no further meetings until Mr. Ortner finished his negotiations and reached a final agreement with local 140 for the rest of the bedding industry.

It was further agreed, at the request of Mr. Morris Miller and Mr. Harold Newton and the shop committee, that if any wage increases were to be granted by my firm, they would be retroactive to September 1, 1949.

Negotiations were resumed the week of September 19 with Mr. Morris Miller, Mr. Harold Newton, Mr. Bill Summers, Mr. Sam Marion, Mr. Dave Scharaga, Mr. Arthur Ortner, and Mrs. Colton and her committee.

During the conference, Mr. Morris Miller requested a private interview with Mr. Ortner in my private office. Despite Mr. Newton's objections, this private conference was held. About half an hour later, Mr. Ortner requested that I come into my office. He closed the door behind me and said to Morris Miller, "Now, tell Dave what you just told me."

Mr. Miller said, "Now, look, Dave, the retroactive increases from September 1 to date will amount to approximately \$600. Now, instead of giving this \$600 to the employees of Sharco, give it to me; and I will then have a meeting with the employees and will tell them that Sharco is working under a hardship and cannot pay the increases retroactive to September 1 and that they will receive their increases as of the 1st of October—and instead of giving it to the employees, give it to me."

I then returned to Mr. Ortner and said, "I don't think it would be fair to the employees to sell them down the river and not give them their increase as we promised, retroactive to September 1. I made the promise to the employees and I intend to live up to any promise I made. Under no circumstances will I fail to keep that promise. Every promise that I have made in the past, I always kept, and I don't think it would be proper not to keep my promise regarding the pay retroactive to September 1."

I then said to Miller, "Look, Miller, I intend to keep my promise to the employees, but if you want money, I will give you \$200, which is the most I can afford to give you."

Mr. Miller then said the least he expected was \$400.

I then said, "Morris, I am sorry, but \$200 is the most I can afford to give you."

Miller then said he would take \$300 as the least I could give him.

I said, "Morris, \$200 is the most I can afford. As a matter of fact, I don't even have the money with me. You will have to come back at a later date, unless you want to take a check."

Mr. Miller finally agreed to accept \$200, but declined a check, saying he would rather have it in cash.

About a week later, Mr. Miller called me up and asked me about the \$200. I told him he could come up, but he must come before 3 o'clock when the banks closed, as I didn't have any cash and would have to get a check cashed to give him the money. Mr. Miller came around noon time, and I had our bookkeeper, Miss Roslyn Werber, make out a check for \$200, which I signed, made out to cash. Then Miss Werber went to the bank to have this check cashed. She

returned, gave me the cash, which I then handed over to Mr. Miller, who thanked me very much and left.

On September 29, 1949, we paid to all the employees of Scharco the agreed-upon increase retroactive to September 1, 1949, which amounted to \$678.17.

The above information is a true and correct account of what occurred.

I remain,

Sincerely yours,

DAVID SCHARAGA.

Copy to Mr. Arthur J. Ortner.

The CHAIRMAN. Was it on account of this letter that you were discharged?

Mr. MILLER. I have answered that question in my submission, Senator, that I was framed and I was discharged.

The CHAIRMAN. This is what you said was a frameup against you?

Mr. MILLER. That is right, Senator.

Senator IVES. Mr. Chairman?

The CHAIRMAN. Senator IVES.

Senator IVES. I raised a question to start with about the changing of Mr. Miller's name from Morris to Marshall. What was the date when your name was changed from Morris to Marshall?

Mr. MILLER. Senator, I may have it here to give you the exact date, but I think it is only about 2 years ago that I changed it officially in court.

Senator IVES. How many years ago?

Mr. MILLER. Two, that I changed it officially in court.

Senator IVES. I would like to get the date exactly.

(The witness conferred with his counsel.)

Mr. MILLER. We don't have it here, Senator, but I would say it is approximately 2 years that it was officially changed. However, I have used the name—

Senator IVES. When you became a consultant, as I understand, you were an unpaid consultant and have been at all times for the New York State Legislative Committee on Industrial Labor Conditions—

Mr. MILLER. That is right, sir.

Senator IVES. Your name had been changed, had it not, from Morris to Marshall?

Mr. MILLER. I stated, Senator, that I have been using the name Marshall Miller for a number of years and used it back in 1948. However, I changed it in court, in the official records, to Marshall M. Miller approximately 2 years ago.

Senator IVES. What I am driving at, Mr. Miller, is that that committee evidently did not know that you had any other name than Marshall; did it?

Mr. MILLER. They did not, sir.

Senator IVES. All right. That is all I am trying to find out.

Senator McNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. Do you deny these affidavits that have just been submitted over the signature of David Scharaga?

Mr. MILLER. Well, Senator, I will say this: There is no doubt that in my career I have made several enemies, as perhaps all people in public life or political life from time to time. However, I have offered to testify before this committee, and I tried to give this committee the picture as it was. I pointed out the evils, I pointed out what happens, how this thing operates, how these goons can force their

membership. I pointed out evils of welfare plans, and I came here specifically to answer the charges of a 22-year-old boy who did not know me. I recall the proceeding when Senator Ives asked him what does this man look like, and all he said was "I would like to see you outside, Senator," and the Senator again said what did he look like, and he did not answer, and the record will so show.

Senator McNAMARA. Wait a minute on that, I want to find out.

Mr. MILLER. He doesn't know me, Senator.

Senator IVES. The reason I asked that question is because I had never seen you. I wanted to know whether I had seen you. This is the first time I have ever seen you in my life.

Mr. MILLER. That is true, Senator. I am merely trying to point out that Mr. McNiff had never seen me either.

Now, instead, I see, if I may point out, Mr. Chairman——

The CHAIRMAN. Answer the question.

Mr. MILLER. I am trying to answer it.

The CHAIRMAN. All right.

Mr. MILLER. I find that instead of coming down for that specific purpose, I appear to now to be standing on trial and being charged by letter and affidavit about things back in 1944 and other individuals who may have had reason to see if they can hurt me somehow, some way. I don't think it at all fair to have to appear before this committee, to have given the investigators the cooperation that I did—I not only gave them what they asked for, but I gave them everything that was in the office—to sit here and be accused now by letter and affidavit, I don't think it is right at all, Senator.

The CHAIRMAN. Well, just a moment, now. I think you brought up the subject yourself, did you not, in your statement? You came voluntarily and presented a statement. You have made reference to it yourself, have you not?

Mr. MILLER. I stand on my statement, Senator.

The CHAIRMAN. I understand you want to stand on your statement, but this other testimony contradicts your statement.

Mr. MILLER. I heard an affidavit read from a man that I haven't seen, if my memory serves me, this Stephen Dunn, I haven't seen him in maybe 12 years or so. I might say some of the newspapermen may remember that instant and yet this is a man that is a member of the bar and submits an affidavit. I say that some of the newspapermen may remember when Morris Muster, the national president of the CIO, resigned, when he gave a statement to the press and he said that his record as a trade unionist for 26 years would not permit him to be a captive of the Communist Party, and he resigned.

Everyone knew about the Communist issue back in 1946 in that union.

Yet here is a man that gives an affidavit.

If I have to sit here and confront this, I don't think it is fair, Senator.

The CHAIRMAN. I want to be fair with you, and I think the committee does, too.

Mr. MILLER. That is all I am asking.

The CHAIRMAN. I never heard of you. I do not know you.

A witness gave some testimony a few days ago and you sent me a wire demanding to be heard. Now you appear. In the meantime

we have gotten some information and you come in with a statement in which you refer to these things and stated it under oath.

Now we bring in these affidavits. I am trying to be fair to you. Do you want us to take it up when you are not here?

Mr. MILLER. Senator, I had stated that I was framed. I touched on everything. I left nothing out. I have given everything.

The CHAIRMAN. You can still say you were framed, and you may have been. I am not saying you were not.

Mr. MILLER. I know, but I don't think—I am just trying to point out that I have made my statement, and I don't think it is fair for me to be tried by letter or affidavit.

The CHAIRMAN. You do not think it is fair for the committee to check on the accuracy of your statement and present you with any evidence we may have?

Mr. MILLER. I have cooperated. I have given your investigators everything, including tax returns, back many years, and things that they didn't ask for. They were welcome in my office and they were welcome to my files.

The CHAIRMAN. I just do not see where you are saying it is unfair. If there is any member of this committee that thinks it is unfair in any way whatsoever, we will revise our procedure.

Senator McNAMARA. With this background now, I will ask you the question: Do you deny the facts in this sworn statement, sworn to by David Scharaga?

Mr. LEFKOWITZ. Mr. Chairman, the witness has testified that he never saw the contents of this letter. I am going to advise him not to make any categorical answer to a series of statements in a document that he has never seen. If this were a court of law, all I would have to say is "Objection; it is surprise," and it would be sustained.

Senator McNAMARA. That is all you have to say now, if you object.

Mr. LEFKOWITZ. I am trying not have this witness refuse to answer any question, Senator.

Senator McNAMARA. He has a choice at this point.

Mr. LEFKOWITZ. At this point I am advising him that it is best not to answer this question.

Senator McNAMARA. I want to go on from there, Mr. Chairman. Let the record show that he refuses to answer the question.

The CHAIRMAN. Just a moment. The witness can take the fifth amendment, if he wants to. I do not know that a witness can just determine what questions he is going to answer and those that he will not, particularly when he voluntarily appears before the committee.

Mr. LEFKOWITZ. Mr. Chairman, as a seasoned lawyer, I am fully conscious of the consequences of categorical denials of statements made by one witness as against another. I have not appeared with my client for the purpose of championing or looking forward to further proceedings, and, certainly, not in the nature of criminal proceedings. He has made a statement; it has been clear; it has been voluntary.

Now, if such questioning will continue, then I am going to avail myself of rule 6 of your committee's rules of procedure, and I shall advise my client to utilize whatever legal objection he may have to any answer of such questions.

I am sure that I am only pursuing my duties as counselor to this client and witness.

The CHAIRMAN. The Chair is not questioning the way you are pursuing your obligation to your client. I have never thought a witness could come in voluntarily, demand to be heard, and, when we grant him that request, then refuse to answer questions. These are not questions without any basis, without any foundation. They are verified by affidavit. The letter is not sworn to, but the man made an affidavit regarding the letter.

Here are some more affidavits regarding these matters. If we are going to look into it, and your client claimed that he was mistreated in the testimony of the other witnesses who appeared here, we have these affidavits and we have other witnesses here. We are prepared to hear this matter today.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. It seems to me that the situation we confront here, and I address myself to both the counsel and the witness, is that Mr. Miller sought the forum of the committee in order to clear himself of what he believed to be derogatory statements made against him by a Mr. McNiff. It is quite true that Mr. Miller comes before us voluntarily; he has made a voluntary statement, and we appreciate it.

Now, all we are trying to determine is whether or not the voluntary statement was a valid statement. There is conflict between what Mr. McNiff said and what Mr. Miller said, this conflict being between the reasons Mr. Miller has given for leaving certain positions and taking on new responsibilities and what appears in these affidavits.

As one member of the committee, I have not at this moment got the foggiest notion as to whether or not the facts as related by Mr. Miller are correct and valid, or whether the facts as related in the affidavit are correct.

In his interest, coming down here to clear the record, I would think he would want to illumine the committee as to whether or not these affidavits are accurate or inaccurate. If they are false, if they are part of a frameup, I think he should say that.

I agree; this probably came as a surprise. I, as one member of the committee, would feel, if you would tell us, "Look, I will come back next Monday and talk about that; I want to examine the records; I want to examine the facts," I think that would be a valid request.

But I do not think it is valid to say at this stage of the game, "We are not going to discuss whether the affidavits are correct or not."

Does that seem unreasonable to you, Mr. Miller?

Mr. LEFKOWITZ. Do you direct your question to the witness and counsel?

Senator MUNDT. Yes.

Mr. LEFKOWITZ. I want to answer, if I may, as his counsel.

This witness has submitted the statement where he specifically denies the charges and labels it a frameup. He does not have the means or the capabilities of using the staff available to this committee. If such staff was made available to him and put him on a status quo with this committee, I respectfully submit to you, sir, that he would be in a position to submit more affidavits, or at least as many, which would give the other side of the story.

Also, in private session with Mr. Kennedy—I believe you call it executive session; I am not too familiar with that phase of it—but, in any event, Mr. Miller has given certain statements and is willing to repeat them, and has done the same thing to your investigators. But, after all, there is a limit to which I, as his counsel, can go forward and advise him that the best thing for him is to put everything on the table before this committee, who, after all, is engaged in a very serious and important task of seeking remedial law, to propose and to legislate some of these evils that have grown up in this field.

He is here to help you in this cause. He is also here attempting to clear himself, but no matter what he says, he cannot clear himself by mere denials.

These affidavits, these letters, are not admissable in a court of law. They are nothing but hearsay. But they are most dangerous to him. The proof of the matter is just the testimony of one witness predicated on hearsay has caused him the loss of a job.

I submit to you that it was with that in mind, Senators, that I asked at the beginning of these proceedings to withdraw his request from appearing and testifying here and withdrawing his demand for your permission to him for appearing here.

I thought that the place for that would be much better to be heard, namely, before the Joint Legislative Committee. Now, if I permit him to answer any and all questions that any person submits by way of letter or by way of affidavit, and I am not saying that those people who write letters or affidavits are evil people or have bad intentions—in their own mind they are probably 100 percent good intended and they have certain motives—but I am only concerned with the defense of this man.

In this defense, I cannot, as a seasoned member of the bar, permit him to go into intricate details of which he knows not. He answered Senator McClellan that he never saw that letter before in his life. That is a direct answer.

Senator MUNDT. That, of course, is not the question.

Mr. LEFKOWITZ. I realize that, Senator.

Senator MUNDT. The question is, Did he or did he not engage in the activities which are alleged in the letter. Did he or did he not get \$200, accept \$200 which appears to us to be in the nature of a pay-off? If he did not do it, I would think he would be happy to say he did not do it.

Mr. LEFKOWITZ. He has made such denial and has labelled it a frameup, Senator.

Senator MUNDT. If he took it, he should say, "Yes, I took it and here is the reason why." You must realize as a lawyer that when he comes before us and denies the charges, you and he should not conclude that you should not talk about it.

I certainly feel sorry if he lost his job and doubly sorry if he lost his job because of a witness before this committee who was misled in his testimony. We are trying to clear it up. Here is his opportunity.

Mr. LEFKOWITZ. Senator, he is here to testify. I want to please recall to your own mind that first Counselor Kennedy read the denial of this witness' statement with reference to this matter.

Then the letter, wherein this information was contained, was read after Mr. Miller had stated that he had never seen it in his life. Thereafter, other questions have been put, all on this one point.

In other words, I submit to you that the mere repetition of this thing over this man's denial in his statement, creates the aura of the validity or some truth to these charges when there may be no substance to them whatsoever.

Senator IVES. May I butt in right there?

I would like to ask Mr. Miller a direct question: Did you or did you not receive \$200? You have not said one way or another on that. Answer that one way or another. Did you or did you not receive it?

Mr. MILLER. I did not receive it.

Senator IVES. All right.

The CHAIRMAN. Just a moment. Let us straighten out the record. The letter is not evidence, but I have made it an exhibit because it has been talked about.

The affidavit is from the man who wrote the letter. In the affidavit he covers substantially everything that is in the letter. The letter was obviously written at the time the incident occurred.

He has made affidavit to the same facts stated in the letter. The affidavit is sworn testimony and can be admitted here. For that reason, I think it is quite proper that he be cross-examined on it.

Senator McNamara?

Senator McNAMARA. My question did not refer in any manner to the letter. My question referred to this affidavit. I specifically asked the question on the affidavit.

Now, there has been some discussion here about whether or not the witness received \$200. Reading from the affidavit, signed by David Scharaga, he says he refused to pay the \$600 to Mr. Miller.

Then, he goes on to say:

I then said to Mr. Miller I intended to keep my promise to the employees. However, I will give you \$200, which is the most I can afford to give you.

Mr. Chairman, it seems to me that this is an act that we are very much interested in. This apparently is a free offer of a bribe of \$200. He goes on in his affidavit to say that he paid not only the \$600 that was due to the employees, but he paid more than \$600 in back pay to the employees.

Beyond that, he paid, according to his affidavit, \$200 which has all the appearances of a bribe. I think we ought to be just as much interested in that offer by the employer to a union representative as we are in the other phase of it.

That is what I was getting at in my question. Certainly, this man is guilty by his own words of offering a bribe. I do not know how it can be construed otherwise.

The CHAIRMAN. Are there any further questions?

Senator MUNDT. In this affidavit, Mr. Miller, and forget about the letter, Mr. David Scharaga says on page 2 of the affidavit these words:

That I instructed Miss Werber to have the check cashed at the bank. When Miss Werber returned from the bank she gave me the \$200 in cash, and I turned over the \$200 in cash over to Miller.

As Senator McNamara has pointed out, it seems to involve the employer as well as Mr. Miller. We are simply trying to establish the fact from Mr. Miller's sworn testimony.

You have heard this affidavit. Do you know Mr. David Scharaga?

Mr. MILLER. I think I recall him. It is Scharaga, I think.

Senator MUNDT. Did he turn over \$200 in cash to you under these circumstances?

Mr. MILLER. Senator, he did not.

Senator MUNDT. He did not?

Mr. MILLER. He did not.

Senator MUNDT. Can you give any help to the committee as to why he would make an affidavit of this kind?

Mr. MILLER. Well, I will go into part of it. It is a very interesting story. However, before I go into that, I have made a note on Mr. Stephen Dunn and this was an affidavit, too, and I would like to answer that, as long as we are going to get into these things.

Senator MUNDT. Let us find out about Mr. Dunn. He made his affidavit concerning circumstances which occurred back in 1946, I believe.

Mr. MILLER. Is that 1946?

Mr. KENNEDY. Could I just summarize?

Senator MUNDT. It was 2 or 3 years prior to 1946. You heard the affidavit. In the main, he charged that what you told the committee was wrong about leaving it on account of communism, that you had come into his office sort of soliciting a bribe. Will you explain that?

Mr. MILLER. I don't think he said that. Can I see that Stephen Dunn affidavit?

Senator MUNDT. Yes.

The CHAIRMAN. Here are copies.

Mr. KENNEDY. We have that affidavit and three other affidavits in connection with his taking the bribe of \$300 later in 1949.

Senator MUNDT. This is a different case, the Stephen Dunn case. If the witness wants to talk about that first, I think that is quite agreeable. About the only pertinent part is in the next to the last paragraph, Mr. Miller, where he alleges that you tried to get him to have the employers pay you something to get you out of town.

(The documents were handed to the witness.)

Mr. MILLER. Mr. Stephen Dunn is a scurrilous liar. Mr. Stephen Dunn, in the days when I was first assigned to Grand Rapids, I found an attorney who was antilabor in every conceivable fashion, a man who would stop at no ends and no means to beat them down and I found a town, insofar as the industry that I was interested in, pretty badly unorganized, and I found some beaten people. And I found that the largest company in town, at least one of the largest, had a company dominated union at the time.

When I was assigned by Mr. Morris Muster, the past president who was the founder of that union and who resigned because of the Communist issue, he told me at that time, he said, "I am sending you into an area that has cost us a lot of money, and where a lot of men have failed."

If I recall, I think, if my memory serves me, he also was president of the association of manufacturers at that time for that particular industry.

Senator MUNDT. Now, coming down to this particular case, did you have the conference in the office of Mr. Dunn, to which he alluded? If you did have such a conference, did you ask him what it would be worth to the employers for you to leave town to avoid a lot of trouble?

Did you talk about bringing in "trigger man and muscle men"?

Mr. MILLER. Let me say this, Senator: I have never in my career, as a labor official, personally hired any goons. I was never arrested in my life on any picket line, even for disorderly conduct. I have never conducted the kind of strikes, when I did, that you read about that brings about damage to property and damage to people.

Senator MUNDT. That is not the charge, Mr. Miller.

Mr. MILLER. I have never operated with any goons.

Senator MUNDT. That is not the charge. The charge is that you threatened Mr. Dunn that you would bring in muscle men, that you would bring in trigger men, not that you did, but that you threatened to do it.

Mr. MILLER. That is false.

Senator MUNDT. That is false? That is what I wanted to find out. Mr. Dunn also said that you asked him what it would be worth to the employers to get you out of town. Did you say that?

Mr. MILLER. That is false. I had to go where I was assigned. I couldn't get myself out of anywhere. Wherever I was assigned, that is where I had to go.

Senator MUNDT. You might know that and Mr. Dunn might have known that.

Mr. MILLER. That is false.

Senator MUNDT. Did you ask him what it would be worth?

Mr. MILLER. I did not.

Senator MUNDT. The second step, then, is this: We have two affidavits, one from Mr. Arthur McDowell and one from Mr. Scharaga about the \$200. Do you deny under oath that that is true? Is that right?

Mr. MILLER. May I read this affidavit, sir?

Senator MUNDT. Do what?

Mr. MILLER. I say, may I read this affidavit?

Senator MUNDT. Surely. I want you to read the one by Mr. McDowell. Is that the one you are reading?

Mr. MILLER. Yes.

Senator MUNDT. I am interested in the third paragraph from the bottom, again, beginning—

Miller was dismissed on December 12, 1949.

So the question will make sense in the record, Mr. Miller, I want to read the paragraph which concerns me.

Miller was dismissed on December 12, 1949, from our own union because of evidence obtained that he had solicited a bribe from officials of the Scharaga Co. in New York.

Mr. Sol Hoffman and Mr. George Bucher, vice president of our union, confronted Miller with the charges against him. In the presence of Mr. David Scharaga of the Sharco Co., Miller would not deny the charges against him and was, therefore dismissed from the union at that time, December 12, 1949.

Question No. 1: Were you dismissed from the union, whatever the reason, on December 12, 1949?

Mr. MILLER. I was suspended and I asked the president then, Mr. Hoffman, I said, "With pay or without pay?" and he said, "Without pay, so I can look into this."

Senator MUNDT. You were suspended. Was your suspension a consequence of this meeting which is described in the affidavit between Mr. Hoffman, Mr. Bucher, Mr. Scharaga, and you?

Mr. MILLER. There was no such meeting. I can't even recall any such meeting. When Mr. Hoffman approached me and said that he had received notice about this, I told him at that time, I said, "What the heck kind of frame is this? What is it all about?"

That is when he said, "Well, I will look into it. You are suspended."

Senator MUNDT. This part is true:

—Mr. Hoffman and Mr. Bucher confronted Miller with the charges against him. In the presence of Mr. David Scharaga and Mr. Arthur Ortner.

Mr. MILLER. To the best of my recollection, I don't even think Mr. Bucher was there.

Senator MUNDT. Was Mr. Hoffman there?

Mr. MILLER. Mr. Hoffman was the first man that spoke to me.

Senator MUNDT. And did he speak to you in the presence of Mr. David Scharaga and Mr. Ortner, the counsel?

Mr. MILLER. To the best of my recollection; no. In fact, I recall this, I recall meeting when I was heading for Philadelphia, I met Mr. Scharaga on the train, and I said hello to him and I said where are you going. He said, "I am just going visiting."

That was the particular day that this instant occurred when Mr. Hoffman called me in. But I don't recall seeing anybody in the room at the time.

Senator MUNDT. We are trying to get at the facts. Certainly we know nothing about it. For the time being, I am pleased that you have made a categorical denial of this so-called effort on the part of Mr. Scharaga to bribe you or to pay you \$200. You leave no doubt that your denial of this is complete and categorical.

Mr. MILLER. That is right.

Senator KENNEDY. You denied receiving the \$200. Was the offer made?

Mr. MILLER. There was no offer made as far as I am concerned. To give you a little information—

Senator KENNEDY. The question, is, was there any offer made?

Mr. MILLER. No offer made.

Senator KENNEDY. Of any sum of money to you?

Mr. MILLER. No offer made.

Senator KENNEDY. In other words, this employer wrote to the head of the union in which you were associated saying he gave you \$200 and he never gave you \$200?

Mr. MILLER. That is right.

Senator KENNEDY. Mr. McDowell stated in his affidavit that you were dismissed because Mr. Hoffman confronted you with this charge and you did not deny it and you were dismissed. You say you were subpoenaed. After the investigation was completed, were you dismissed?

Mr. MILLER. That happened right there.

Senator KENNEDY. You were put on suspension. Then what happened?

Mr. MILLER. No; he said you will be put on suspension. I said, "With pay or without pay?" And he said, "Without pay." And in that case I said, "Forget about it. I am through."

Senator KENNEDY. And in other words, he wanted to suspend you until he could look into it?

Mr. MILLER. Right, until he could look into it. And I said, "With pay or without pay?" And he said, "Without pay." And I said, "I don't call that a suspension. If a man don't pay me, I am——"

Senator KENNEDY. You were fired because of this charge made against you; is that correct?

Mr. MILLER. That is what he said. I told him it wasn't so. I asked him what kind of frame is this.

Senator KENNEDY. We have here, then, an affidavit from the employer who stated he gave you the money. We have an affidavit from the head of the union stating that an investigation was made and as a result of that investigation, you were dismissed. It was after that that you were given a job as consultant to the State of New York to the Joint Legislative Committee on Industrial and Labor Conditions. You were not paid for that job?

Mr. MILLER. Pardon?

Senator KENNEDY. You were not paid a salary?

Mr. MILLER. That was close to 5 years later.

Senator KENNEDY. You were not paid as a consultant?

Mr. MILLER. No, sir.

Senator KENNEDY. How many consultants did they have?

Mr. MILLER. I was the only consultant.

Senator KENNEDY. Did you get expenses?

Mr. MILLER. Only if I went out of town. I was paid for my travel.

Senator KENNEDY. Who gave you that job?

Mr. MILLER. At this time, I would like to say this, Senator, in all fairness. Somebody mentioned my name, a boy who never saw me, and I was fired. I don't know if I should mention the name of legislators in the State of New York and then have them hurt politically because someone may blow something up during the campaign and then they will congratulate each other when it is all over, but they will tear each other apart during the campaign. I am just wondering whether that is a fair question.

I mean, this is a bipartisan committee. There are other people appointed to it. I think when the chairman secures his position, he is appointed, and I think the other members are appointed by their respective parties.

The CHAIRMAN. You can answer this: Did the committee appoint you a consultant to it?

Mr. MILLER. I received a letter that I was appointed. The letter was dated in October 1954.

The CHAIRMAN: I assume it was committee action.

Mr. MILLER. I don't know. I know I received a letter that I was appointed to the committee. There is no doubt that the chairman must have notified counsel to send me a letter.

Senator KENNEDY. We have the affidavit of the head of a union and the affidavit of the employer concerning the conditions under which he is dismissed. Then we have you appointed as a consultant to an important committee. We have your card on which you say "Marshall M. Miller," on which you say, "Labor Relations Consultant," and below that you have the title you were given, which obviously gives you some prestige.

I think it is proper that we should know, as we are going into further activities of yours. I think, later this afternoon, how you happened to

get an important job like that, particularly as you say you are the only one who has that job.

Mr. MILLER. There are counsels, assistant counsels, research directors.

Senator KENNEDY. I think it would be worthwhile to know how you received such an important job. There doesn't seem to me to be anything in your past record which would particularly qualify you for it. I am wondering how you got it.

Mr. MILLER. I received a letter sir, that I was appointed.

Senator KENNEDY. By what? By the committee?

Mr. MILLER. I don't know. I have had various legislators in the State of New York who were my friends from both parties.

Senator KENNEDY. In other words, you refuse to state who wrote you the letter appointing you as consultant to this committee?

Mr. MILLER. I will tell you who wrote me the letter. The counsel of the committee wrote me the letter.

Senator KENNEDY. What is his name?

Mr. MILLER. Eugene W. Duffoc.

Senator KENNEDY. Did you know who was responsible for telling Mr. Eugene—

Mr. MILLER. No.

Senator KENNEDY. In other words, this was right out of the blue?

Mr. MILLER. It didn't come out of the blue. It didn't come out of the blue at all.

Senator KENNEDY. How did it come out?

Mr. MILLER. I had pointed out to some legislators my interest and desire to be in public service, and I sort of had the knowledge of this business when I spoke to them. Apparently my name was in there for recommendations. Then counsel, under direction, sent me a letter of appointment.

Senator KENNEDY. You do not want to tell us that it was under the direction of whom, do you.

Mr. MILLER. I will say "Elected officials."

Senator MUNDT. Mr. Chairman, at this point he comes down here to clear himself. I do not know whether he is going to clear himself or get himself in trouble. But at least until the committee determines whether he has cleared himself or whether he is involved in something, I do not see any reason to drag in more names and start a whole chain reaction with people who might be unnecessarily involved.

I think we should first determine whether or not this witness is going to be able to refute these charges.

Senator IVES. Will the Senator yield?

I know a little bit about how appointments are made on that committee. It is a bipartisan committee entirely, 4 Democrats and 4 Republicans. The members of the staff are members picked from two parties, upon the recommendations of members of the parties.

I do not know anything about your recommendation, where it came from, Mr. Miller.

I understand Mr. Miller is a Democrat. It may have come from a Democrat or it may have come from a Republican. I do not know anything about it.

The committee would approve all of the members the same way we approved in our committees here, the staff members that are named. We leave it to the chairman and the chairman turns it over, probably, to

counsel. That is the way it used to be when I was there. I do not know how it is now.

Senator KENNEDY. I appreciate this problem.

It seems to me, however, it is a matter of public interest how Mr. Miller received an appointment as a consultant to a joint legislative committee on industrial and labor conditions. If he has been asked to resign or has been dismissed as a result of Mr. McNiff's testimony, I think it is a matter, at least, that I am interested in to find out how he received that job, particularly in view of his background.

If you do not want to answer that, that is your business.

Mr. LEFKOWITZ. Senator Kennedy, I wish to advise my client pursuant to rule 6 not to answer your question, because it is beyond the examination and hearing being conducted here today. You are assuming as a fact any aspersion or insinuation that this man's background is wrong, to be a consultant to the committee. I, as his attorney, differ with you, and say that to you respectfully.

Senator KENNEDY. I do not say whether he is right or wrong. I am asking just how he happened to get the job.

Mr. LEFKOWITZ. He told you how he got the job.

Senator KENNEDY. No, he has not.

Mr. LEFKOWITZ. He doesn't want other people to go through this thing and be hurt. He has been hurt and he will be further hurt as a result of this.

Mr. MILLER. I have been recommended, Senator. I know assemblymen in the State of New York. I know senators in the State of New York. But I don't think it fair for me to drop the names of those I thought perhaps used the strong recommendation and then have them hurt in the campaigns or elections.

Senator KENNEDY. Did you ever have any business dealings with Mr. Dufloc?

Mr. MILLER. I would recommend business to him if I thought he could handle it.

Senator KENNEDY. Have you ever recommended any?

Mr. MILLER. I have.

Senator KENNEDY. Did he ever recommend business to you?

Mr. MILLER. He has, sir.

Senator KENNEDY. What sort of business?

Mr. MILLER. Well, anything pertaining to—

Senator KENNEDY. Representing employers or employees?

Mr. MILLER. Employers. Anything pertaining to law I would recommend to him.

Senator KENNEDY. We are going to go into this matter further, but I think it is worthy of investigation by the committee.

Mr. Miller, on your card you are a labor relations consultant, and you have this position as consultant with the State of New York Joint Legislative Committee on Industrial or Labor Conditions. You received an appointment from the counsel. You have recommended business to him and he has recommended business to you. I think that is a matter worthy of attention to the committee in New York and our attention.

Senator IVES. Mr. Chairman, I beg to disagree some of the way with our distinguished fellow member, Senator Kennedy. I think it is primarily a matter for the Legislature of the State of New York to

handle. I do not think it is any concern of the Senate of the United States.

Senator KENNEDY. I think what we are concerned about is whether his activities in the labor-management field, Mr. Miller, whether they were completely proper or not.

Senator IVES. That may be. I will not argue about that. I am talking about his appointment on that committee.

Senator KENNEDY. If I may finish. Therefore, it seems to me that the fact that he had a position as a consultant to a joint legislative committee and was able to put that on his card, it therefore gave him a standing which he would not have had if he had not been a consultant to this important committee. Therefore, I think it is worthwhile for this committee to at least inquire into the nature of how he got the job, what his functions were, what the interrelationship was between the counsel and himself and so on.

Senator IVES. I still disagree with you. I think it is primarily a job for the State committee of the legislature there, and, primarily, a job for the legislature itself. It is a New York State matter, strictly, even as this whole investigation of New York City is a State matter, except as it pertains to matters outside the State.

Senator McNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. To get away from this particular line of questioning for a moment, I understand that the statement had been made that you had been a candidate for public office in Michigan?

Mr. MILLER. That is right.

Senator McNAMARA. What year was that?

Mr. MILLER. I think about 1946. I ran for State senator.

Senator McNAMARA. What district?

Mr. MILLER. The Kent County area. The area of Grand Rapids.

Senator McNAMARA. That was a State representative from Kent County?

Mr. MILLER. That is right, sir.

Senator McNAMARA. Were you defeated in the primary or in the general? Was there a primary election?

Mr. MILLER. I don't recall, but I know that I didn't become a State senator.

Senator McNAMARA. You were not nominated, either, were you, or were you nominated beyond the final ballot?

Mr. MILLER. I don't know. I would have to look at my records. I think I was, because I had literature out which said—here is some literature.

Mr. LEFKOWITZ. Senator, I have a couple of things here that might be of help to you.

Senator McNAMARA. Do you want to submit something?

Mr. LEFKOWITZ. Yes.

(Document handed to committee.)

Senator McNAMARA. The statement was made that you were a Democrat. I assume you ran on the Democratic ticket. Is that correct?

Mr. MILLER. I did, sir. There is the literature and it says, "Vote for Morris Miller in November elections," so, apparently, I passed the primaries.

Senator McNAMARA. You received the nomination?

Mr. MILLER. Yes, sir; there is the literature.

Senator McNAMARA. This indicates it was November 5; that was the final election. I just wanted to get the record straight, since we are discussing about whether you were a Democrat or a Republican.

The CHAIRMAN. These may be returned to the witness. He may want to keep them.

Now, Counsel, will you proceed? We have 2 or 3 more questions, and then we will ask the witness to stand aside and we will call another witness.

Mr. KENNEDY. Mr. Chairman, we have another affidavit in connection with that same matter, which we will make a part of the record, which is repetitive. It is from the employer regarding the \$200 payment.

The CHAIRMAN. This is an affidavit of Arthur J. Ortner, and deals with the same subject as the \$200 payment. The witness should be privileged to see this, or be furnished a copy of it. Do you have copies of it? We will furnish the witness a copy of it. That affidavit we will not take time to read, and it may be inserted in the record at this point.

(The affidavit follows:)

STATE OF NEW YORK,

County of New York ss:

Arthur J. Ortner, being duly sworn, deposes and says:

That I reside at 780 Gramatan Avenue, Mount Vernon, N. Y.

That I was executive secretary of the National Bedding and Upholstering Manufacturing Board of Trade in 1949, which was then located at 114 East 32d Street, New York City.

That I was negotiating a contract between Local 601, UIU, and the Sharco Manufacturing Co., then located at 885 East 149th Street, Bronx, N. Y.; that these negotiations were resumed during the week of September 19, 1949, with Messrs. Morris Miller, Harold Newton, Sam Marion, Bill Summers, David Scharaga, Mrs. Colton, her committee, and myself present at this meeting.

That, during the course of the conference, Morris Miller asked me if he could talk to me privately; that I spoke to Morris Miller in the privacy of David Scharaga's office, and that no one else was present.

That Morris Miller, in substance, made the following proposition to me at this private meeting and said:

"The retroactive increases from September 1, 1949, to date will amount to approximately \$600. I want the \$600 instead of the employees, and I will straighten it out with the employees by explaining to them at a meeting that Sharco is under a financial strain and cannot pay the retroactive increases to September 1 and that their increases would commence October 1, 1949."

That I then called Mr. Scharaga into the office and told Miller to repeat to him what he had just requested of me privately; that Miller said, in the presence of Scharaga and myself, in substance, the following:

"The retroactive increases from September 1 to date will be about \$600. Instead of giving this \$600 to the workers of Sharco, give it to me. I will then have a meeting with the employees and advise them of the fact that Sharco is financially embarrassed and, therefore, cannot make the increase retroactive to September 1, 1949, but they will receive their increase in pay as of October 1, 1949."

That Scharaga said to me: "I don't think it would be fair to the employees not to give them the increase as we had been promising them, namely retroactive to September 1."

That I then called Sal Hoffman, of the UIU, in Philadelphia, Pa., from the office of David Scharaga; that I informed Mr. Hoffman of the foregoing facts as outlined in this affidavit, and that Mr. Hoffman told me to have these facts put into writing and send them to him; that I spoke to Mr. David Scharaga and told him to put the aforementioned facts in a letter and send them to Mr. Hoffman; that Mr. Scharaga informed me that he had done this; that I subsequently heard from Mr. Hoffman that he had received a letter from Mr.

Scharaga outlining the aforementioned facts; that I attended a hearing in the UIU office in Philadelphia, Pa.; that Mr. Hoffman told me after this hearing that, as a result of the facts mentioned in this affidavit, he had discharged Morris Miller from his job with the union.

ARTHUR J. ORTNER,

Sworn and subscribed to before me this 13th day of August 1957.

[SEAL]

IDA SCHENKMAN, *Notary Public*.

Mr. KENNEDY. I think the other affidavit from the employer might be misleading. I understand the facts are in fairness to him, that after the \$200 was paid, he then called the international president of the union and told him of the circumstances under which the money was paid, and that the international president of the union then brought in Mr. Miller and took the action that was taken, namely the dismissal of Mr. Miller, so I do not think it was completely just an offer of a bribe. The man did take the action of telephoning the international president and telling him the \$200 was paid.

Now, I just have a question for you in connection with this committee that you represent or that you are a consultant to.

Do you represent any groups which have interests before that committee?

Mr. MILLER. Did I represent any groups?

Mr. KENNEDY. Have you or have you in the past or do you now represent any groups or individuals that have any business or interests before this committee?

Mr. MILLER. No, sir.

Mr. KENNEDY. Have you ever offered to represent any?

Mr. MILLER. I was approached by an individual as to whether I would represent their groups, and I advised them that perhaps I would, but I would have to find out if there was a conflict of interest. We discussed it and he was going to meet with some of his people involved in the same industry.

Mr. KENNEDY. Did you mention how much money you would want?

Mr. MILLER. Yes; I did.

Mr. KENNEDY. How much money?

Mr. MILLER. I told them that if they decided to retain me, that the retainer would be \$10,000 a year.

Mr. KENNEDY. And the purpose of that—

Mr. MILLER. I told them the reason for that kind of a fee, is that I would have to put a lot of time in and a lot of work, and so on.

Mr. KENNEDY. That was in connection with a bill that was before this committee; is that right?

Mr. MILLER. No, sir. I was to be retained as a public relations man and labor relations man, and that is all. I never was retained or the representatives that came to see me representing this industry never retained me and never hired me.

Mr. KENNEDY. That is not the question. The work that you were to do for this \$10,000 fee was to be work that you were to do before this committee; is that not right?

Mr. MILLER. No; that didn't go into details, because I wasn't hired.

Mr. KENNEDY. You understood it because otherwise you wouldn't have said—

Mr. MILLER. I understood they would retain me.

Mr. KENNEDY. To work with this committee?

Mr. MILLER. I would try to work for their benefit if I would accept it but I told them that I couldn't accept it even if they did decide unless I found out if there was a conflict of interest. They never came back to me any more, and no one ever spoke to me any more.

Mr. KENNEDY. The \$10,000 fee, though, was to be paid for your representation of them before this committee, for work that you were going to do in connection with this State joint legislative committee on industrial and labor conditions; is that not correct?

Mr. MILLER. That would be part of it. I don't know what other work there would be. I guess we would have to detail it all in a contract between the parties.

Mr. KENNEDY. You said to them, in order to represent them, one of the jobs you were going to do was before this joint legislative committee of which you were a consultant, and in order to represent them you would need a \$10,000 fee; is that not correct?

Mr. MILLER. No.

Mr. KENNEDY. You said that your fee for the work you were going to do was \$10,000; was it not?

Mr. MILLER. I didn't know what work I would have to do.

Mr. KENNEDY. Didn't you say your fee would be \$10,000?

Mr. MILLER. I said that if I would represent them in a capacity of labor relations or public relations, the fee would be \$10,000. Now that is what I told them. They never came back to me, and they said they would talk it over among their groups, and they have maybe five or six hundred members and I don't know how many members they have, and they never came back to me.

Mr. KENNEDY. Who was the person that approached you?

Mr. MILLER. The first person that spoke to me was a man by the name of Max Simon.

Mr. KENNEDY. Max Simon?

Mr. MILLER. Yes, sir.

Mr. KENNEDY. Who does he represent?

Mr. MILLER. He has an employment agency, and he represents himself.

Mr. KENNEDY. Did he represent these people?

Mr. MILLER. No; not to my knowledge. He just spoke to me, and he said, "You know the problems in our industry are that we don't have anyone to represent us and do a proper job for us like other interests do, and we can't get our people together. Would you care to represent us?"

I said, "I don't know."

Mr. KENNEDY. Care to represent "us," being who?

Mr. MILLER. Being "our organization," various organizations, and there might be about half a dozen different organizations.

Mr. KENNEDY. What were some of the organizations?

Mr. MILLER. They are all in the employment agency business. I don't know how many associations they have. It would be 6, or 7, or 8.

Mr. KENNEDY. Where did you have your meeting with him?

Mr. LEFKOWITZ. Again on behalf of the witness, I submit that here is a line of questioning which is completely new. This witness hasn't heard any such charge or accusation from any source, and there may be others of similar note. How far is the witness expected to answer

such questions? I asked at 2 o'clock, and I respectfully ask you, Mr. Chairman, to permit this hearing to be heard before the New York legislative committee, where I thought it would be more proper.

Senator IVES. In that connection I would like to make an observation. My recollection is, first, that that joint committee is not a standing committee in that sense of the word at all, and it has to be continued from year to year by a resolution. It has nothing to do at all with reporting out legislation on which the legislature votes.

In the next place, I don't know what unemployment or unemployment agencies have to do with that committee. I was chairman of it for 8 years and I don't think that we ever had any legislation dealing with that subject before that committee.

So I can't see where that would fit the picture.

I am just wondering what committee were you supposed to bring this legislation before?

Mr. MILLER. I don't know either.

Senator IVES. I am in a fog as to what this is all about.

Mr. MILLER. The last meeting that we had, I think that there were about 5 or 4 new members of the committee. I don't know, but I am just being brought into situations, and we just keep going on.

(Present at this point in the proceedings: Senators McClellan, Ives, Kennedy, McNamara, and Mundt.)

The CHAIRMAN. As I understand you, you were approached, you gave him a price, you were not employed?

Mr. MILLER. I was not employed, sir.

The CHAIRMAN. Then on the question of a conflict of interest, and you never represented anybody?

Mr. MILLER. I never represented them. I was never retained. I had an individual that spoke to me about it, and there was a second individual that spoke to me about it, and they said they were going to have meetings with their own people, they don't know what they are going to do, whether they will hire someone or not hire someone. I was never hired. I couldn't tell you today whether I would have accepted that assignment or not.

Senator IVES. Mr. Chairman, what has the United States Senate got to do with a conflict of interest under the laws of the State of New York?

The CHAIRMAN. I don't know that it has anything to do with the State of New York. The only point is that the witness comes down here and says that derogatory testimony was given against him. We got all of this other explanation here.

Let's let the witness stand aside and go on.

Senator MUNDT. Mr. Chairman, we have introduced another affidavit into the record, and I would like to have the witness have a chance to deny or affirm what it says. That is the affidavit by Mr. Ortnor. Do you have a copy of it?

Mr. LEFKOWITZ. May we have a chance to read it?

Senator MUNDT. The affidavit is slightly different from the one by the employer because it does not talk about the actual transmittal of the \$200 from the employer to Mr. Miller. But I want to ask the witness about the statement made at the bottom of the first page and the top of the second page.

If you will read that paragraph, that will enlighten you as to what I have in mind.

I will read that part of the affidavit to you. This is Mr. Ortner talking, who, I understand, is the counsel for Mr. Scharaga; is that right?

Mr. MILLER. Mr. Ortner?

Senator MUNDT. Yes.

Mr. MILLER. No. Mr. Ortner has a money interest; I don't know what portion. He is not an attorney. He has a money interest in this Sharco Co., or at least he had when I knew him.

Senator MUNDT. He is executive secretary, I believe, of the company.

Mr. MILLER. I don't know about the company. I think of the mattress and bedding industry in the city of New York.

Senator MUNDT. I will read from the affidavit:

That I then called Mr. Scharaga into the office and told Miller to repeat to him what he had just requested of me privately; that Miller said in the presence of Scharaga and myself in substance the following:

"The retroactive increases from September 1 to date will be about \$600. Instead of giving this \$600 to the workers of Sharco, give it to me. I will then have a meeting with the employees and advise them of the fact that Sharco is financially embarrassed and therefore cannot make the increase retroactive to September 1, 1949, but they will receive their increase in pay as of October 1, 1949."

You have previously testified that Mr. Scharaga did not give you the \$200; you have testified that you did not receive the \$200. I want to ask you now did you have a conversation along the lines indicated in this affidavit, either with Mr. Scharaga, or with Mr. Ortner, or with both.

Mr. MILLER. I am glad you asked that question, Senator, because right at this time, I think I am going to go into a lot of more things.

Senator MUNDT. Could you answer this question first?

Mr. MILLER. As long as I am going to be put on the spot, I am going to put it and maybe at the stake of my life, but, you know, I was threatened and warned before, and come what may, you will get it now. You will find out why Mr. Ortner had written the letter, and you will find out why Mr. Scharaga wrote a letter, and you will find out perhaps a few more things. So we will get into it.

Let me start first, and I must start, as long as my personal character, integrity, is slurred every now and then, every time the name is mentioned, let me go in, I may be off style a little, but I will give you everything, and I am going to give you, I think, a lot more.

Mr. Sol M. Hoffman, the president of this union, when I worked for him, is nothing but a dictator, a man, who, according to a leaflet that I have here, in the year 1949, drew \$200 a week from the welfare funds of the union, and every vice president he had he gave \$2,500 a year to.

This is the reason, if you recall my affidavit, when I said that the counsel of the union had approached me and said that I should not represent any clients as an employer representative in the city of New York or anywhere if they have a contract with his union.

He was afraid that I would expose this, which the whole country will listen to right now, come what may.

Let me go further.

Senator MUNDT. What pamphlet are you talking about?

Mr. MILLER. This is a pamphlet dated—

Senator MUNDT. Would you like to submit it as an exhibit in the record?

Mr. LEFKOWITZ. Yes, sir.

The CHAIRMAN. Identify the document.

Senator MUNDT. This is headed "International Office, United Furniture Workers of America, 10 East Fifth Street, New York City, N. Y. Mr. Morris Pizer, President."

It purports to be a circular dated October 4, 1949, to all officers and members of UIU, and is signed with a typed signature, United Furniture Workers of America, CIO.

That is all that shows on the face of it. As to who authored it or where it came from or what it is, that is all.

Can you identify it more specifically than that?

Mr. MILLER. I identify that as a letter from the United Furniture Workers, CIO, which explains the workings and background of Mr. Hoffman, president of the UIU. It talks about his salary that he drew from the welfare fund, and it talks about all his vice presidents securing \$2,500 a year from the welfare fund while they were being paid for their respective posts around the entire United States.

The CHAIRMAN. That may be exhibit 114 for reference. I will not publish it in the record at this point.

(The document referred to was marked "Exhibit No. 114" for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. Do you state that all statements in this pamphlet are true?

Mr. MILLER. I state, sir, to the best of my knowledge, they are true.

Senator McNAMARA. Are we to conclude that these people were overpaid, illegally paid, or what inference are you drawing?

Mr. MILLER. I am going to get to the frame, and the reasons why the Senator asked me. I have to lay the groundwork, and I have to give you the whole story, so you will understand what kind of people have accused me. Then you would know by then. I think you would have an idea as to whether you can add any credibility to their affidavits, on the basis of what I am going to tell you.

Senator MUNDT. He is going to establish a reason why the men might have been trying to frame him.

Mr. MILLER. That is right.

Senator McNAMARA. Then the inference is what? That they were being paid illegally, immorally, or what?

Mr. MILLER. As far as the payment, I wouldn't say it was illegally. It was in accordance with their own constitution. But I would say, morally, it was just as wrong as it was for the national president to buy his car on the black market during the war days.

Senator McNAMARA. This is what you are pointing out, then; that it is immoral. I wanted to find out what the inference was, and I think that answers the question.

Mr. MILLER. Proceeding further, one of the affidavits is from an Arthur G. McDowell. I don't know what he is today. During the time that I worked for this upholsterers union, there were several firms that refused to remit 3 percent of the payroll that the labor agreements called for. In other words, Senators, most of the labor agreements had a clause which said that the employer shall contribute 3 percent of his payroll toward the union welfare fund.

(At this point Senator Curtis entered the hearing room.)

Mr. MILLER. There were some employers that thought that, perhaps, the welfare fund was illegal. One of the companies, a large company that refused to pay at that time, was a company called National Casket Co. They refused to submit 3 percent of the payroll to the union. This union took a so-called friendly employer, with a friendly attorney, advised them not to pay, so that the union would come into the Federal court to show that their welfare plan was a justifiable legal plan and get a court order so that they can collect the moneys from all the plants around the country.

The result of it was that with this little employer, who does not compare with National Casket Company, a so-called friendly suit was conducted in the eastern district court of Pennsylvania, called civil action file No. 8744. I might add that, because this was a friendly suit, the court had ruled that the plan of the union at that time was a legal plan, he said, unless there was evidence shown to the contrary for him to see otherwise.

But, however, this friendly suit and this employer did not bring out to the Federal judge that the international president at that time was getting \$200 a week from the welfare fund. He did not bring out that every vice president was receiving around the country another \$2,500 a year. He didn't bring out about all the junkets, pleasure trips that the welfare fund paid for, and this employer did not bring out a letter which I have here a photostat of, dated April 11, 1949, State of California, Department of Employment. I quote paragraph 3 of the letter:

Under section 283 (a) of the regulations, coverage under voluntary plan must be made available to all of the employees of the employer or to all of the employees employed in a separate establishment of the employer.

This plan——

Senator MUNDT. So that this has some significance, are you telling the committee that you had something to do with bringing out these facts against Mr. Hoffman so that Mr. Hoffman, in turn, might have some motive for trying to get even with you?

Mr. MILLER. I am telling the committee that there are very few people that have a copy of this letter. There are very few people that know that the attorney that represented the company was a friendly attorney when he instituted this proceeding. There were very few people that knew that the National Casket Co. challenged the validity of the welfare plan. This was one of the reasons that Mr. Hoffman had threatened me when I refused to be paid by his resident counsel, who told me that I should work out a settlement with him, that I will accept no clients under contract with his union.

I at that time said, "I am sorry, once my door is open to represent employers, whoever wants to retain me can retain me. I am going in business, fellow."

This is one of the reasons for McDowell affidavits coming forward now and so forth.

Now, let me go on further with this character, and let's find out why Mr. Ortner or Mr. Scharaga wrote letters. You Senators who are familiar with labor relations can try to imagine what is this all about. Since when does an employer—it is a violation of law for an employer to give any labor leader anything. At that time it was a violation of the Taft-Hartley Act, which was in effect in 1947, and

it is a violation of State law. Since when does an employer send a letter and say, "Mr. Union President, you know, I give this fellow \$200."

Let's understand something. First of all, I did not represent no local union in the city of New York. I was the international director of organization for this union. And I was assigned, just coming in in the early part of 1949—I was out on the west coast—I was assigned to come in to New York, and it was the first time that I had been assigned to this type of assignment in the city of New York. I want to say to you that Arthur Ortner is the man that introduced me to three known men who had served time, and it was Mr. Arthur Ortner who said to me that "these fellows are going to work for you. I cleared it with your boss, Sol B. Hoffman."

And, because they were hoodlums and characters, Mr. Hoffman, who paid all the men that worked for me in the field as the director, paid the organizers directly, sent the payroll for these three hoods to the city of New York. It was the New York local who paid them, as a result.

I want to tell you that part of the scheme, which I have learned later, was this: Mr. Arthur Ortner was some type of an executive officer for the mattress and bedding industry in the city of New York. He represented some in the State of New Jersey. These employers were caught by a very bad leftwing union.

At that time, this was a union that was known as local 140 of the United Furniture Workers, CIO. There is no doubt about them having been communistic; no doubt about it. No doubt that they gave employers a rough time. These employers would spend any amount of money to get rid of 140.

Art Artner, being their representative, the man who represented them during the days of OPA, the man who became a millionaire because he knew how to get price increases for mattresses during the OPA days, a man who is very wealthy today and very influential, had hatched his scheme because he was a personal friend of Sol B. Hoffman, the international president, who was my boss.

When I fired these goons, I had broken up a plan, because, when a plan like that is adopted, here is what the employers do: Before the plan is successful, they will chip in certain sums of money and they will get it up and give it to Mr. Ortner to share with Mr. Hoffman, and the rest will be coming if and when the job is successful. In order to justify payment and expense for Hoffman to secure it, this Mr. Ortner had to show the rest of the employers that the guys are working on the payroll; look how tough they are. Do you know who this guy is? He would kill you for 2 cents.

These are the types of characters we had, sir. I fired two of them. Later, I was told by the third one what it was all about, and that I had broken up a good thing. There is the reason. I want to further point out to you I was not the business agent of this union. They had a business agent. I was a director of organization.

Senator MUNDT. Does that lead to the conclusion that your testimony is that this statement which I read about the retroactive increases of \$600, your suggestion that the money be given to you instead of the workers—it is your testimony, based on these reasons and motives which you have elucidated that this affidavit is false?

Mr. MILLER. Yes, sir.

Senator MUNDT. This conservation never took place?

Mr. MILLER. It never took place.

Senator MUNDT. And you have given us the reasons?

Mr. MILLER. That is right.

Senator MUNDT. Thank you.

The CHAIRMAN. Senator Ives?

Senator IVES. I want to clear up any misunderstanding that exists on my position regarding this matter. I feel very strongly that any questions relative to improper activities under the jurisdiction of this committee, where the witness is concerned, should be asked. They are perfectly pertinent. But I do feel, Mr. Chairman, that questions related solely to his work with the New York State Joint Legislative Committee on Industrial and Labor Conditions should be reserved for a State investigation which should be forthcoming.

I would like to have that definitely understood. I think this committee has to draw the line somewhere in matters of that type. That is what I have tried to do this afternoon in the questioning where I am concerned.

Senator MUNDT. Mr. Chairman, in that same connection, may I say that the only reason I made the suggestion with regard to the questions Senator Kennedy was asking the witness is that I do not like to see any innocent witnesses, any innocent Americans, dragged into this hearing unless there is some cause for it.

Until we have concluded, and the country has concluded in their own minds, whether Mr. Miller is telling the facts or whether these affidavits and so forth tell the facts, it seems to me it serves no good purpose to bring in the names of a lot of New York State legislators and politicians.

I think, if the time comes that we need that information, we can get it. I think our staff can check carefully now into this new evidence which has come to us, come to me, anyhow, which is as much a surprise as the questions that came to Mr. Miller, to find out about this National Casket Co., about Mr. Hoffman. It is entirely possible this has opened up a whole new area of improper activities between labor and management in this area which were not before us at the time Mr. Miller volunteered to testify.

Senator McNAMARA. In connection with the remarks just made by the witness, I would like to ask a question or two. You lay great stress on what you construe to be the improper handling of these welfare funds that were set up by a 3-percent payroll donation by the employer. Suppose this was negotiated through collective bargaining?

Mr. MILLER. I will tell you my opinion, Senator. What often happens, it is my contention, is that a union has a justifiable right to negotiate life insurance, hospitalization plans, et cetera, for the employees, and should do so.

(At this point, Senators Mundt and Curtis withdrew from the hearing room.)

Mr. MILLER. But what happens often is this. I am talking about welfare, life insurance, surgical benefits, and so on. But the union demands \$8, \$10, or \$12, and in some instances as high as 10 percent of the payroll for union welfare plans. Let us take a case where a union receives under contract \$10 per month per employee for the following month's welfare benefits. He goes out and buys \$7 worth.

So he maintains the additional \$3 in the treasury, and then he receives the dividends according to the experience rating of the book business. My contention is that, if he negotiates a \$10 plan, buy the \$10 plan for the workers, let them have the maximum, let the employer buy it, and put in the labor agreement how much he will receive in life insurance, surgical benefits, and so on.

You have this problem today. Assuming that you negotiate with a union and you have agreed on everything, vacation, holidays with pay, and whatnot, and you are now down to one item, union welfare plans, and you agree to cover the people under the coverage that the union says they want them covered, but you say, "Wait a minute; I am going to buy this from Metropolitan Life Insurance or John Hancock," the union will say, "You will? You will buy it from us or you will have a strike. We could not settle our contract."

The answer to that is, then, I think, take the unions out of the insurance business, because, you know, like a game that is being cut, it is the house that winds up with the money, and I think all the money in our country someday will wind up with the unions because they keep cutting.

Senator McNAMARA. You are discussing hypothetical things. I am trying to ask you about the 3 percent that you were talking about that is in effect.

(At this point, Senator Curtis entered the hearing room.)

Mr. MILLER. Right.

Senator McNAMARA. How was it administered?

Mr. MILLER. How was it administered? I will tell you. That is a very good question, a very good question.

Those plans that are established prior—

Senator McNAMARA. Not those plans. The plan.

Mr. MILLER. The plan. It was administered by the international president, who had as trustees all the vice presidents, and God help them if they didn't agree to vote for what the national president wanted them to vote for. They were nothing but puppets in the room. That is all they were.

Senator McNAMARA. Are you trying to tell us that this plan was administered solely by the union?

Mr. MILLER. By the union.

Senator McNAMARA. The employers did not enter into the disbursing of funds or buying the insurance or anything?

Mr. MILLER. No. But they had a right, by the way. I think there has been a ruling that those plans that were established prior to the Labor-Management Act of 1947 can be run without management representatives on the plan.

Senator McNAMARA. You do not know how this one was run, or do you?

Mr. MILLER. This was established prior to 1947. They had a right, legally, to run that way.

Senator McNAMARA. Who had a right?

Mr. MILLER. The union did. They had a right to run this plan without management representatives. But it was a one-man show.

Senator McNAMARA. So they had a right. You had something to do with setting it up?

Mr. MILLER. No; I didn't set it up.

Senator McNAMARA. The 3-percent plan was set up before you went there?

Mr. MILLER. When we negotiated with the employer, our demand was that he would have to pay 3 percent of his payroll to cover the people under the following welfare benefits and remit it to the union.

Senator McNAMARA. And this 3 percent was turned over to the union and management had no control whatsoever?

Mr. MILLER. No control whatsoever. I might say there was a plant in New Jersey that was under contract with this union for about 10 percent. The president of the company refused to permit the employer to sign an insurance plan with the union. He wanted an outside company. Mr. Hoffman said, "If that is what he wants, then we don't want the members. They have to give us the plan."

I wonder why.

Senator McNAMARA. Getting back to the 3-percent plan, it seems hard to keep you on the track, was this a plan negotiated prior to your coming into Grand Rapids?

Mr. MILLER. Yes. This is a plan that started perhaps prior to my working for this union.

Senator McNAMARA. Then you had no experience personally in the setting up of the plan?

Mr. MILLER. No; but I used to sit in at some of their trustee meetings and see how they were in action.

Senator McNAMARA. So you found it in operation when you got there?

Mr. MILLER. Yes.

Senator McNAMARA. It was still 3 percent when you left?

Mr. MILLER. That is right.

The CHAIRMAN. Are there any further questions?

Mr. LEFKOWITZ. Would you like to have these as further exhibits, Mr. Chairman, the letter from the State of California, and the decision, and so forth?

The CHAIRMAN. They may be turned over to the committee, and I will examine them.

Call the next witness.

(Members present at this point: Senators McClellan, Ives, McNamara, and Curtis.)

The CHAIRMAN. He testified to the letter, did he not?

Mr. LEFKOWITZ. Yes.

The CHAIRMAN. That will be made exhibit 115.

(The document referred to was marked "Exhibit 115," for reference and will be found in the appendix on p. 4877.)

The CHAIRMAN. This next item will be made an exhibit for reference only.

Call the next witness.

Mr. KENNEDY. Mr. Roman will be the next witness.

The CHAIRMAN. Please be sworn.

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROMAN. I do.

TESTIMONY OF JOSE LUMEN ROMAN, ACCOMPANIED BY HIS
COUNSEL, ROBERT S. PERSKY

The CHAIRMAN. State your name, your place of residence, and business or occupation.

Mr. ROMAN. Jose Lumen Roman, 164 Duane Street, New York, I am a reporter for El Diario, the Spanish daily newspaper; a news commentator for WLIV, a Spanish language radio station in New York City, and a moderator for, What's Your Problem, a Spanish language TV program over WATV, in Newark, N. J.

The CHAIRMAN. You have your counsel with you?

Mr. ROMAN. Yes, sir.

Mr. PERSKY. I am Robert S. Persky of the firm of Luca, Persky & Mozer, of 150 Broadway, New York City.

The CHAIRMAN. Thank you very much.

Senator Ives, will you preside for a while?

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. KENNEDY. Mr. Roman, you have been living in New York for how long?

Mr. ROMAN. Seven years.

Mr. KENNEDY. And you are familiar with the operation of Marshall Miller?

Mr. ROMAN. I do, in a way.

Mr. KENNEDY. You are familiar with his method of operation?

Mr. ROMAN. Yes, I do.

Mr. KENNEDY. And you are familiar with the local union, 229?

Mr. ROMAN. I do.

Mr. KENNEDY. And that is the local union run by Archie Katz?

Mr. ROMAN. That is correct.

Mr. KENNEDY. Generally, have you found that the Spanish speaking people in New York City have had difficulty with Mr. Archie Katz?

Mr. ROMAN. Very much difficulty with Mr. Archie Katz and local 229; yes.

Mr. KENNEDY. Have the employers that Mr. Marshall Miller has represented—have the employees, people working for those employers, have they had difficulty as members of local 229?

Mr. ROMAN. Yes; they have trouble.

Mr. KENNEDY. As far as wages, hours, and conditions?

Mr. ROMAN. Yes. As a matter of fact, I spoke with about 36 yesterday and there are some working 10 years in a shop only making \$40 a week.

Mr. KENNEDY. Under the contract that the employers have signed, and the ones that he represents, the contract arranges for a 40-hour workweek; is that correct?

Mr. ROMAN. Forty hours workweek.

Mr. KENNEDY. And it is a dollar an hour minimum wage?

Mr. ROMAN. That is correct.

Mr. KENNEDY. And they only get a week's vacation if they work a year; is that correct?

Mr. ROMAN. Sometimes, but that is correct.

Mr. KENNEDY. And they have to work on June 1 of the year; is that correct?

Mr. ROMAN. That is correct, too.

Mr. KENNEDY. I want to ask you if you ever had any personal dealings with Mr. Marshall Miller, and whether Mr. Marshall Miller ever held himself out to be a representative of Archie Katz, the union, or a representative of local 229.

Mr. ROMAN. Yes. On or about November 17, 1956, I received, in my office at El Diario, 164 Duane Street, Mr. Archie Katz and some representative of local 229, because I was writing a series of articles on regard about the complaints of the Puerto Rican workers against local 229. At that time, I asked Mr. Archie Katz, and Mr. Archie Katz in a very rough way threatened to sue me and the paper because I didn't give him a chance to express his points of view.

That very same day I asked Mr. Archie Katz to debate the issue with the workers on my TV show and Mr. Archie Katz accepted the invitation, and the Sunday following that date, Mr. Archie Katz appeared in my show with a doctor, nurse, and Mr. Marshall Miller.

The workers were there. Mr. Marshall Miller was the one who spoke on behalf of local 229.

Mr. KENNEDY. What was your complaint? What had you been pointing out?

Mr. ROMAN. The workers were complaining specifically that without their consent, local 229 had increased the dues from \$3 to \$4. That was the complaint. That was the basic complaint of the workers. That was the issue in my television program.

In that show, before the show, during the discussion prior to going to the air, I specifically asked Mr. Archie Katz and Mr. Miller not to take any step against these workers for being there, against them.

They promised me on the air that they were not going to take any steps. Nevertheless, I found out later on that three workers were fired.

Mr. KENNEDY. Three of the workers who had come to the program and who were going to participate in a program were subsequently fired; is that right?

Mr. ROMAN. Right.

Mr. KENNEDY. And by the employers that Mr. Marshall Miller was representing?

Mr. ROMAN. True.

Mr. KENNEDY. Although, at this program, he came as a representative of Archie Katz and of the union?

Mr. ROMAN. Right. In that program, I usually ask everybody their name and what they represent or where they live, where they come from.

Mr. KENNEDY. Just tell me this: Preceding the program, did you have any conversation with Mr. Miller?

Mr. ROMAN. Yes.

Mr. KENNEDY. Will you tell the committee about that?

Mr. ROMAN. Well, preceding the show, I asked Mr. Marshall Miller who he was. At that time, he told me, "I am a labor consultant. I am an expert on labor and labor consultant." He said also that he was representing Mr. Archie Katz. We went to the air and that is the way he identified himself on the air.

Mr. KENNEDY. Prior to this show, and you have made out an affidavit for us, prior to the show did Mr. Miller state anything to you about offering a donation?

Mr. ROMAN. A what?

Mr. KENNEDY. Offering a donation to a fund.

Mr. ROMAN. Yes. Prior to the show, El Diario——

Mr. KENNEDY. Was carrying on a campaign?

Mr. ROMAN. For a Spanish hospital in New York City. And Mr. Miller and Mr. Archie Katz asked me if I was the one conducting that campaign and I answered them in the affirmative.

Mr. Archie Katz and Mr. Miller offered me a donation. I told them that the donation was to be made at the El Diario office. Then they asked me if I was the same reporter that was conducting a campaign for toys for children, toys for Christmas for the underprivileged Puerto Rican children.

Again I answered in the affirmative and they offered me toys. I told them that I would accept the toys if the toys were delivered at the El Diario office.

Then Mr. Miller told me that he understand that I had a great interest on labor matters, that it was a shame that I was not working for a union. He suggested to Archie Katz that I should edit a Spanish paper for the union that they were contemplating making.

(At this point, Senator McClelland entered the hearing room.)

Mr. KENNEDY. He offered you a job editing the paper?

Mr. ROMAN. Mr. Katz offered me the job editing the paper and I refused. Then we went to the air, and Mr. Marshall Miller defended very vigorously the welfare plan of local 229.

I recall perfectly that one of the workers called Mr. Marshall Miller, "a liar" because he said that the glasses that the workers were issued were issued by the welfare plan of the 229.

This woman that was Puerto Rican and very hot tempered took the glasses and threw them at Mr. Miller and called him a liar and said, "It cost me \$12 and I paid \$12 to local 229 for it."

Mr. KENNEDY. You mean under the welfare plan they were supposed to provide glasses?

Mr. ROMAN. At a minimum charge.

Mr. KENNEDY. And that was a statement made on the broadcast?

Mr. ROMAN. That is correct.

Mr. KENNEDY. And a woman who attended the meeting, took her glasses off and threw them down and said, "I had to pay \$12 for it; you are a liar," is that right?

Mr. ROMAN. That is correct.

Senator CURTIS. Were they supposed to get the glasses free?

Mr. ROMAN. For a nominal price.

Senator CURTIS. What was a nominal price?

Mr. ROMAN. I don't know exactly, but I understand it was between \$2 and \$6.

After the show, an agreement was reached between Mr. Marshall Miller, Mr. Katz, the doctor, the nurse, and the other representative of local 229, that no one will be fired or any steps will be taken against the workers. Three of them were fired. I have their pictures somewhere around here. Three of them were fired.

The CHAIRMAN. Do you want to leave that as an exhibit?

Mr. ROMAN. Yes, sir, I will.

The CHAIRMAN. That may be made exhibit No. 116 for reference.

(The document referred to was marked "Exhibit No. 116" for reference and may be found in the files of the select committee.)

Senator CURTIS. Would you name the workers that were fired, since that is going to be for reference?

Mr. ROMAN. They are there, sir. I don't remember their names.

Senator CURTIS. Would you read them into the record?

Mr. ROMAN. Yes, I will. Maria Ramas was one. Carmen Padilla was the other one. I beg your pardon. Ana Cordero was one and Nereida Rosas was the other one.

Senator CURTIS. Two of them?

Mr. ROMAN. Two of them.

Senator McNAMARA. When these two workers were fired, was it immediately after appearing on the program or did some time elapse?

Mr. ROMAN. I understand 2 weeks afterward.

Senator McNAMARA. Two weeks?

Mr. ROMAN. Two weeks, as I understand. I was informed by themselves that it was 2 weeks.

Mr. KENNEDY. Was there any advantage, did you find, of Mr. Miller being able to pass himself off as a consultant to the State of New York Joint Legislative Committee?

Mr. ROMAN. Well, after the television show, Mr. Miller again identified himself as consultant to other unions of New York City.

Mr. KENNEDY. But was it an advantage, did you find that it was an advantage for him to be able to describe himself as a consultant of the State of New York Joint Legislative Committee?

Mr. ROMAN. Yes; because, within a short time after this, Mr. Miller introduced himself to my superiors, to my editor in chief, Mr. Stanley Ross, at El Diario, holding herself out as a consultant to the New York State Legislative Committee on Industry and Labor, and persuaded Mr. Ross to allow him to write a column on industrial relations for the Spanish daily newspaper El Diario.

As soon as this column appeared, and their slants became evident, I informed Mr. Stanley Ross of Mr. Miller's conduct on my television show.

Mr. KENNEDY. We have made somewhat of an analysis of this contract that local 229 has with the employer. Paragraph 7 states that time employees shall receive an increase of \$2 per week at the end of respective trial periods, and at the end of respective trial periods no employee shall receive less than \$42 per week, which means they start at the minimum wage of a dollar and there is no agreement in the contract as to how long the trial period is to last.

It is up to the employer to decide when the increase of \$2 a week will be granted.

Vacations: Employees who have been in the employ of the employer for 1 year as of June 1 of the respective year shall receive 1 week's vacation with pay in advance. Those employed 3 years or more shall receive 2 weeks' vacation with pay in advance.

Rest periods, section 15: Where rest periods have been established, they shall prevail in those respective shops.

In other words, no rest period is prescribed in this contract.

Section 16: The union agrees that it will not, during the terms of this agreement, sign an agreement with any nonmember of the association where said agreement is more favorable than the association agreement.

In other words, Mr. Chairman, this type of contract is the best contract the union will sign, even with any nonmember of the Textile

Trade Association. So this contract sets the scale for all manufacturers covered by Local 229 contracts.

Mr. ROMAN. Let me point out, Mr. Kennedy, that just yesterday I received a petition of 26 workers from local 229. If you do not mind, I can read some names. They are working 10 years and making only \$40 a week. This is very typical in that industry on Puerto Rican workers and Negro workers in New York City.

Carmen Rosa, 729 Union Avenue, the Bronx, working for the Pearl Curtain, 55 West 26th Street, Manhattan, who has been in that shop for 10 years and still making \$40.

Also, Mary Aviles, 1506 Southern Avenue, the Bronx, has been there for 10 years, in the union all the time, local 229, and still making \$40.

Olga Salgado, 3819 Third Avenue, the Bronx, 7 years in that shop, local 229, and making still \$40.

Mr. KENNEDY. What is your experience so far as attempting to live in New York City on \$40 a week?

Mr. ROMAN. You cannot live on \$40 a week.

Mr. KENNEDY. Do most of these people have families?

Mr. ROMAN. That is the difficulty. The Puerto Ricans enjoy large families. No one, no one possibly can live on \$45 a week, not in New York City or in any other city of the United States, as a matter of fact.

Mr. KENNEDY. Recently you had sort of an air-raid alert in New York City?

Mr. ROMAN. Yes. That is very interesting. I received a letter from Estela Lotomayor. She lives at 27 Sterling Place, Brooklyn, and in her letter, in Spanish, she stated that the boss, with the consent of the union, deducted 50 minutes; that is, for the air-raid drill.

Mr. KENNEDY. They deducted from the salary for that time?

Mr. ROMAN. For all the Puerto Rican workers in that particular shop.

Mr. KENNEDY. What is the take-home pay on these people that make \$40 or \$45 a week?

Mr. ROMAN. An average of \$37.

Mr. KENNEDY. Have you received many letters of complaint from the various people of Puerto Rican extraction?

Mr. ROMAN. We have here with me close to 200. I have in my office over 400 more. It was physically impossible to take them all.

Mr. KENNEDY. When did they come in?

Mr. ROMAN. In 9 days, since the ACTU made the statements here about the exploitation of Puerto Rican workers. That is just a few of the ones that we have. The complaints are more or less in this fashion. I will just pull one out.

We have a complaint here from Local 1614, International Brotherhood of Electrical Workers. The complaint was made by Santos Mercado. There were no meetings; they never saw a contract; there were no benefits; no grievances; and he pays \$4 a month dues, and the salary, as usual, is \$40 a week.

I have one here from local 1222, and this one was not signed, because many Puerto Ricans are afraid to be fired if they complain. As a matter of fact, they are threatened many times, even if they complain to El Diario.

Mr. KENNEDY. Have you ever been threatened yourself?

Mr. ROMAN. Yes, I have been. I have been three times.

Mr. KENNEDY. When was that?

Mr. ROMAN. And the bomb squad of New York City searched Mr. Ross' house very recently, too.

Mr. KENNEDY. In connection with the articles you have been writing?

Mr. ROMAN. In connection with our campaign that started May 3, 1956, after 6 months of investigation.

Mr. KENNEDY. In connection with all of this, is it recognized that Marshall Miller is there protecting the interests of these employers that make these collusive contracts with the union?

Mr. ROMAN. The workers know that; yes.

Mr. KENNEDY. It is recognized; is it?

Mr. ROMAN. Yes; the workers in the companies know that.

Mr. KENNEDY. Have you written articles concerning Mr. Marshall Miller's connection?

Mr. ROMAN. No; I don't recall having written any articles on Mr. Marshall Miller, but he wrote for *El Diario*. He wrote a column for *El Diario* that was suspended, this column.

There is one point I would like to make, if there is any possibility. Mr. Marshall Miller that appeared on my show on that date in November, also stated in the show that local 229 had a legitimate right to increase the dues without the consent of the workers. Some time later, in the column, he defended publicly, on the 3d of December 1956, that an article—oh, yes; he specifically mentioned local 229, he mentioned local 229—he said that the local unions can increase from \$3 to \$4 the dues. That was about 15 days after he made that statement on my television show.

The CHAIRMAN. That article may be made exhibit 117 for reference. (The document referred to was marked "Exhibit No. 117" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. In conclusion, there is some work now being done amongst the people up in New York of Puerto Rican extraction?

Mr. ROMAN. Yes.

As a matter of fact, the mayor of the city of New York, Mayor Wagner, has called a meeting, and is doing the utmost to help eradicate this problem. So Governor Harriman is also doing an investigation on this whole affair.

Senator IVES. May I raise a question there? Was anything done in New York City prior to the disclosures that have come out of the hearings here?

Mr. ROMAN. Mr. Senator, thanks to you, something has been done very recently.

Senator IVES. I wondered if our hearings didn't stir you up, up there.

Mr. ROMAN. Your hearings have done a lot of good to the Puerto Ricans in New York City.

Senator IVES. In other words, they started investigating in the city right after these hearings were held; is that right?

Mr. ROMAN. We were for 1 year hammering and hammering and hammering and nobody listened to us until now.

Senator IVES. Thank you.

Senator McNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. How long have you had an active interest in this situation?

Mr. ROMAN. Ever since I went to work for El Diario, February 3, 1953.

Senator McNAMARA. About 4 years?

Mr. ROMAN. That is right.

Senator McNAMARA. You indicate that the members of local 229 are paid \$40 a week, which is the minimum requirement under Federal law in the industry; is that correct?

Mr. ROMAN. That is correct, sir. But there is one thing very important here. Most of these workers do not know English whatsoever, or very little, if they do. These unions have told them many times, through interpreters or Puerto Rican organizers, that they obtained increases, minimum-wage increases, through their efforts and not through an act of Congress of the United States.

Senator McNAMARA. So we get back to the fact that they are paid merely the required pay under Federal law?

Mr. ROMAN. That is correct, sir.

Senator McNAMARA. How many employees are there in this local 229 that you are talking about? Do you know?

Mr. ROMAN. I don't know.

Senator McNAMARA. Are there hundreds or thousands, or what is the figure?

Mr. ROMAN. The majority are Puerto Rican. I would say there are plenty. I would not guess. I wouldn't dare take a guess. But they are many.

Senator McNAMARA. I am trying to find out how widespread this is. Is this through the whole industry? Is this the bedding manufacturing industry?

Mr. ROMAN. In that particular industry, the Puerto Rican workers are very underpaid.

Senator McNAMARA. I don't question that. But getting back to this local 229 and the industry in which they operate, is this generally considered the bedding industry, the bedding manufacturing industry, or is it something else?

(The witness conferred with his counsel.)

Mr. ROMAN. No; there are other things besides the bedding industry. There are other things.

Senator McNAMARA. Now, you talk about these people in 229. Do they work as service people in hotels? What do they work at? That is what I am trying to find out. Are they dishwashers, waiters, or waitresses? What do they do?

Mr. ROMAN. We have here a good contrast.

Mrs. Esther Martinez, 2275 47th Street, Astoria, Long Island. She has been working for 6 years for the same factory, and local 229. While all other workers in that factory are making \$40 a week, she is making \$90 a week because she is just an operator. She is considered to be skilled operator.

Senator McNAMARA. So a skilled operator gets \$90 a week?

Mr. ROMAN. She is the only one making that much money.

Senator McNAMARA. Is she a member of the union, too?

Mr. ROMAN. She is a member of local 229.

Senator McNAMARA. Then they don't all get \$40?

Mr. ROMAN. That is the only case that I found on 26 that I interviewed yesterday.

Senator McNAMARA. One out of twenty-six?

Mr. ROMAN. That is right.

Senator McNAMARA. But you don't know whether there are a hundred employees involved or thousands?

Mr. ROMAN. There are hundreds of employees involved.

Senator McNAMARA. I was trying to establish if the industry is all like this, if this is a lack of competition generally. Are there other employers who pay more than \$40 a week in this industry?

Mr. ROMAN. If they were piecework they might. If not, they never make more than \$40.

Senator McNAMARA. But they are in various industries not just manufacturing mattresses. I am trying to find out what these people work at. What is the industry that is involved?

(The witness conferred with his counsel.)

Mr. ROMAN. Local 229 has pillows, bedspreads, mattresses. They have many other things.

Senator McNAMARA. This is generally what is considered the bedding industry; is it? Do you understand that?

Mr. ROMAN. I wouldn't know. I wouldn't know that.

Senator McNAMARA. Well, pillows are connected with beds, and blankets or whatever you call them. Mattresses—these are all similar items. It might be considered an industry.

Mr. ROMAN. Well, it is the industry, then, yes.

Senator McNAMARA. Then do you find this is general throughout the entire industry?

Mr. ROMAN. That is correct.

Senator McNAMARA. And these people that are not Puerto Ricans in the industry, they still get the \$40?

Mr. ROMAN. No, sir.

Senator McNAMARA. What do they get?

Mr. ROMAN. They get more.

Senator McNAMARA. And they belong to 229?

Mr. ROMAN. They belong to 229.

Senator McNAMARA. Then do you think that the union discriminates against your people, as against other people, but you don't have any figures what the others are paid, except on piecework they get more; is that correct?

Mr. ROMAN. That is correct.

Senator McNAMARA. And whether they are Puerto Ricans or not, they get more, if they are on piecework?

Mr. ROMAN. That is correct.

Senator McNAMARA. Well, I don't quite get the point. What is this all about? If the industry generally pays \$40, I don't know.

Senator CURTIS. These employees under 229; do they work under a contract that requires that they remain in the union to hold their jobs?

Mr. ROMAN. I believe so, sir.

Senator CURTIS. So they are not at liberty to withdraw from the union without losing their jobs, even though they are dissatisfied with the services the union gives them?

Mr. ROMAN. That is right. That is right.

Mr. KENNEDY. One of the questions here is, if they only get the minimum wage of \$40 a week, then there is no advantage to belonging to the union and having to pay dues every month; is that not correct?

Mr. ROMAN. Well, it is correct, but I believe that no union, phantom union or no phantom union, should collect dues unless the worker gets more than \$45.

Mr. KENNEDY. Agreed. But, on the question of if they are not going to get them a salary greater than \$40 a week, if they are not going to get them a salary of \$45, \$50, or more, then, certainly, it is questionable whether the employees should have to pay dues for that service, of getting them what the laws of the land have already given them.

Mr. ROMAN. That is correct. They only make \$40 a week, and they have to pay \$4 a month dues.

The CHAIRMAN. As I understand it, \$40 a week would be the minimum under the wage and hour law. They have to pay \$40 a week, under the wage and hour law. Yet they are forced to belong to a union and pay \$3 or \$4 a month dues, and the union gets them nothing higher in wages than the \$40 minimum under the wage and hour law. Is that correct?

Mr. ROMAN. That is correct, sir. But there is one point I would like to make at this stage. Local 229 is just one of so many locals that are exploiting the Puerto Ricans in New York City. That doesn't mean that there are not legitimate outfits in the labor unions who are trying to help Puerto Rican laborers. There are many, too, who are helping the Puerto Ricans.

The CHAIRMAN. Do they have to belong to the union to work?

Mr. ROMAN. When in comes local 229, they have to belong to the union.

The CHAIRMAN. Were all of these plants around unionized?

Mr. ROMAN. Yes, sir. I visited yesterday nine. All were unionized by local 229.

The CHAIRMAN. In this contract that I have before me, one that I understand was negotiated by Mr. Miller, I notice among other things, it provides in section 4:

All the employees covered by this agreement shall become members of the union 30 days after their date of hiring or the date of the execution of this agreement, whichever is the latter.

So, these contracts compel them to be members of the union.

Mr. ROMAN. That is right, sir.

The CHAIRMAN. And yet they are only paid the minimum wage.

Mr. ROMAN. That is correct.

Mr. KENNEDY. I might say, also, Mr. Chairman, this is a 3-year contract. It runs from 1957 through June of 1960.

Mr. ROMAN. Let me point out, also, that, whenever there is a holiday, like the Fourth of July, these workers are laid off in order not to be paid for that holiday. They not only are laid off, but, when they come back, they are forced to pay again the initiation fee, and start as new members with loss of seniority.

You have here the letters, and I will send to the committee all the rest that I have at El Diario, and it adds to the general complaints of the Puerto Rican workers.

The CHAIRMAN. Do you want to leave those letters here?

Mr. ROMAN. Yes, sir, and I would like to have the committee's permission to send more.

The CHAIRMAN. They may be bundled up and kept as an exhibit.

(The documents referred to were marked "Exhibit No. 118" for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. This union that you have been talking about that made this arrangement, the employers that made the contract with the union, the employers are represented by Mr. Marshall Miller; is that correct?

Mr. ROMAN. That is correct. To go back to the bedding industry, when I say \$40, I mean 229 shops, but we don't have figures on non-Katz bedding shops. So we only spoke of the Katz outfits.

Senator McNAMARA. You are speaking of nine shops?

Mr. ROMAN. 229 shops.

Senator McNAMARA. You mentioned there were nine that you visited?

Mr. ROMAN. That is right.

Senator McNAMARA. Is it your conclusion that this condition is brought about by collusion between management and labor illegally to keep down the payment of legitimate wages to the workers?

Mr. ROMAN. That is correct.

Senator McNAMARA. And, actually, your people are forced to follow this method because they have control of employment. The only way they can become employees is to become members of the union after 30 days; is that right?

Mr. ROMAN. That is correct.

Senator McNAMARA. So, they are using it as an employment agency, more than anything, as far as the incentive for someone to go there?

Mr. ROMA. You can call it like that.

Senator McNAMARA. If he can't get work anyplace else, he goes there, and it is a lousy condition, but he has to put up with it because he can't get anything better?

Mr. ROMAN. That is right.

Senator McNAMARA. Have you advised these people not to do this?

Mr. ROMAN. Sir, I receive an average of 50 to 75 complaints a day on labor alone. Most of the time I refer them to the Association of Catholic Trade Unionists, who have been cooperating with us very closely since we started the campaign, because nobody else ever paid any attention to our complaints in this matter. We refer them to ACTU, and then they will take care of the matter. They will advise properly these workers, because I feel that they are more fit to advise them.

Senator McNAMARA. In your role, and I am more concerned with your role in the thing, are you trying to get other unions, that would be legitimate unions, to go in there? Have you asked other unions?

Mr. ROMAN. No, sir; I have not.

Senator McNAMARA. What are you going to do? Are you going to complain about it and attempt to do nothing? You have a big group of people. They have some economic pressure. Why don't you try to get them to rebel against this thing. You must do something besides write about it.

Mr. ROMAN. Senator, I think we have achieved that, with the cooperation of this committee.

Senator McNAMARA. I see no evidence of it. Maybe you think so, but I don't have any evidence of it.

Mr. ROMAN. Well, I will say that 8 or 10 shops that have complained to us, we have referred them, in turn, to the Association of Catholic Trade Unionists. Other locals have come up and organized them, and they are getting a much, much better deal.

Senator McNAMARA. That is interesting. You hadn't said that up to now.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. If union membership in this situation was voluntary, and not compulsory that they had to join to hold their job, there would not be many of them join the union, would there, if it was purely a voluntary thing? I am talking about this particular union—229.

Mr. ROMAN. With local 229?

Senator CURTIS. Yes.

Mr. ROMAN. I don't think that the Puerto Ricans that once tasted local 229 will ever accept local 229.

Senator CURTIS. They would be ahead \$4 a month and the income of the union would be cut off, would it not?

Mr. ROMAN. That is correct, sir.

Senator CURTIS. I think that would be a good way to cure it.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. On the point that Senator McNamara brought up, about this being an employment agency, there is a provision in the contract that states if any vacancy shall occur among the employees of the bargaining unit or if the employer shall require additional help, then the employer agrees to notify the union of such vacancy.

Senator McNAMARA. Is there much turnover? Is there a great deal of turnover in these jobs?

Mr. ROMAN. Well, Senator, as I mentioned before, once these people, these Puerto Ricans, are laid off, they bring new workers and they themselves, if they ever are called back, they have to come as new workers, too. So there is a constant influx of changing from month to month.

Senator McNAMARA. It is more or less temporary, although you have some there that have been there for many years?

Mr. ROMAN. For many years. That is correct.

Mr. KENNEDY. This provision goes on and states that the final decision, however, as to who shall be employed, is up to the employer. We have two more witnesses.

Mr. Thomas Rizzo is our next witness.

The CHAIRMAN. Thank you very much, Mr. Roman.

Come forward, Mr. Rizzo.

(Members present at this point: Senators McClellan, Ives, McNamara, and Curtis.)

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Rizzo. I do.

**TESTIMONY OF THOMAS A. RIZZO, ACCOMPANIED BY COUNSEL,
ROBERT S. PERSKY**

The CHAIRMAN. Let the record show that Mr. Persky is appearing as counsel for this witness, also.

State your name, place of residence, and business or occupation.

Mr. RIZZO. Thomas A. Rizzo, 233 Broadway, New York City. I am an attorney.

The CHAIRMAN. You are an attorney?

Mr. RIZZO. Yes, sir.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Rizzo, as a volunteer, have you been doing legal work for the organization called ACTU?

Mr. RIZZO. Yes; I have been.

Mr. KENNEDY. Were you approached in the end of 1956 by certain of the employees of a shop with whom local 229, Archie Katz, had a contract?

Mr. RIZZO. I was not approached by any of the employees, but, rather, ACTU referred these employees to me, since they were unhappy about the conditions which existed concerning their membership in local 229.

Mr. KENNEDY. They were unhappy with the arrangements, the deal that they had been getting from local 229?

Mr. RIZZO. That is right.

Mr. KENNEDY. So, did you agree to advise them?

Mr. RIZZO. Yes; I agreed to advise them, and I agreed to take their grievance up before the National Labor Relations Board.

Mr. KENNEDY. So, did you proceed to do that, and did you have any contact then with Mr. Marshall M. Miller?

Mr. RIZZO. Well, the first contact I had with Marshall Miller was at the National Labor Relations Board, but I think it is necessary for me to, first, give you some background.

Mr. KENNEDY. Please do.

Mr. RIZZO. There were three shops involved in this dispute with local 229, each of these shops belonging to 229. One was the Maken Umbrella Co., the second was Andor Co., and the third was Pearl Curtains. I had not heard of Marshall Miller at that time. Immediately after a petition was filed with the National Labor Relations Board—and, by the way, the petition, gentlemen, had to do with union deauthorization and not as Mr. Miller stated before.

Mr. KENNEDY. What had he described it as?

Mr. RIZZO. He described it as decertification, and any person in the labor movement knows that there is a vast difference between the two.

Mr. KENNEDY. Would you just tell us the difference between deauthorization and decertification and what that meant in this contract?

Mr. RIZZO. Yes. Decertification is a proceeding whereby you actually throw the union out. I am going to use lay terms now, and you have another representative put in its place.

Union deauthorization, as we had in this instance, in these 3 cases, has to do with getting 30 percent of the employees to sign a petition asking for an election, where the union-security clause is stricken from the contract. That is that clause in the contract which says that it is

necessary for employees to belong to the union as a condition of employment 30 days after they get into that shop.

Once you knock that clause out by an election of more than 50 percent of the employees, then it has the ultimate result of actually stopping all dues payments to that union.

These employees being dissatisfied with local 229 came to me and said, "What can we do?"

I told them, I said, "We will knock out that clause if you can get me 30 percent of the employees who are willing to go along and ask for an election, and if in the election you can win with more than 50 percent of the employees we will knock out that clause and practically render the union ineffective.

One of the employers, a Mr. Cohen, A. G. Cohen, of Maken Umbrella Co., called me on the telephone having received notice that this petition had been filed by the employees, and asked me "Mr. Rizzo, what is this all about?"

I proceeded to explain that this was a right between employees and local 229, that it had nothing to do with him. He then stated that he would remain neutral, "if this is between the employees and local 229, I will have nothing to do with it. Let them fight it out by themselves."

It so happens that the three companies were appearing before the National Labor Relations Board on the same day.

I went down to the National Labor Relations Board and, contrary to his promise, Mr. Cohen had, on the night previous, called in his employees and told them that by proceeding with this idea of an election they were going to cause themselves a lot of trouble.

Mr. KENNEDY. Who was with him at that time?

Mr. RIZZO. At that time, at the meeting—of course, you realize now that what I am telling you is hearsay and you have it confirmed, I believe, by affidavits which I submitted to the committee. At that time, at that meeting, there was a man I later learned to be one Marshall Miller, there was also Mr. Cohen, and the employees.

Mr. KENNEDY. Marshall Miller, according to what was reported to you and what these affidavits show, appeared with the employer before the employees and warned them against this deauthorization, voting for the deauthorization?

Mr. RIZZO. That is right.

Mr. KENNEDY. Under the law, is that an unfair labor practice?

Mr. RIZZO. Yes; I consider it to be an unfair labor practice.

During the hearings, the informal hearings, I realized that there was this Marshall Miller, the first contact I had with them, who was representing the boss, and local 229 was involved in the first hearing.

In the second hearing, the same thing occurred, 229 involved, local 229, and for the boss was Marshall Miller.

I became a bit suspicious, and I asked Mr. Cohen "Mr. Cohen, how did you get this Marshall Miller?"

First he hesitated and then he said, "I looked him up in the red book" the classified telephone book, "and I looked for the labor consultant and there he was. So I picked him out of the red book."

Then Mr. Marshall Miller joined the conversation.

Do you want me to go on as to what happened?

Mr. KENNEDY. Just on the main point.

He appeared as representing the employer before the board and at that time, did he oppose the deauthorization?

Mr. Rizzo. He most strongly opposed the deauthorization proceeding. In fact, when I asked Mr. Cohen, "Why did you call the employees together to give them a lecture on this," he said, "I did this on advice of counsel." I said, "Who is that?" He said, "Mr. Marshall Miller. From now on I do what he tells me to do."

Mr. KENNEDY. At this same time, in this same period, starting in early 1956 and 1957, at the same time Mr. Miller was appearing with Mr. Archie Katz to Mr. Roman as a representative of Archie Katz and local 229. Why were you familiar with that? Did you know that that was going on at this very time?

Mr. Rizzo. Only from hearsay, only from what I heard.

Mr. KENNEDY. And when they appeared on a television program, Mr. Miller attempted to——

Mr. Rizzo. To pass himself off as a labor consultant for local 229.

Mr. KENNEDY. And attempted to offer gifts to the charity of Mr. Roman; is that right?

Mr. Rizzo. Yes; I heard about that. But more important to me was the fact that Jose Roman had been writing articles against 229 and now 229 was offering him a job on a newspaper.

Mr. KENNEDY. From the experience that you have had, is the contract that exists between the employers and local 229 fair to the employees?

Mr. Rizzo. Definitely not. You see, some contracts say one thing and something entirely different is done. Aside from the wages, let us prescind that for a moment, let us look at the welfare benefits, supposed welfare benefits.

Immediately after this episode on television with Jose Roman, in which he was offered a job with local 229's newspaper, suddenly articles in that newspaper stopped against 229 and Miller began writing articles for that newspaper. I thought this was kind of strange. To date I have not been able to determine why or who swung the influence that stopped this newspaper from writing articles against local 229 and Archie Katz.

This newspaper carried articles showing this wonderful man, Archie Katz, whom Mr. Miller said was a fine man in the labor movement and he knew nothing wrong. I learned later that he had two convictions. Suddenly they had these articles showing that there was a hospital that the people could go to. In looking into this, I found out sure, they can have glasses made and sure they can go for certain medical treatment, provided they paid for it. To me I don't think this is any fair contract to anyone.

Mr. KENNEDY. I understand from the testimony of the previous witness, Mr. Roman, that Mr. Miller was allowed to write these articles on the basis that he passed himself off as a consultant to the State of New York Joint Legislative Committee.

Did you have any other contact with Mr. Miller after that?

Mr. Rizzo. No, after that I had no contact with Mr. Miller, until these hearings began.

Mr. KENNEDY. Did you know that Archie Katz during this period of time was sharing office space with Mr. Tony "Ducks" Corallo?

Mr. Rizzo. Only from hearsay and what I read.

Mr. KENNEDY. Do you know the relationship between Tony "Ducks" Corallo and Archie Katz?

Mr. RIZZO. I do not.

Mr. KENNEDY. That is all, Mr. Chairman.

Senator CURTIS. I have one thing.

Mr. RIZZO. May I add one thing before, because I would like to settle something that is very important which came up in these hearings, concerning some of the doubletalking done by Mr. Miller today. He stated that an election was held in which 15 persons had voted on this union deauthorization in Maken Umbrella, and that the employees had lost because it was not considered a majority. However, he fails to go on and tell you why that was not a majority. He fails to tell you that prior to the election suddenly there was a stream of layoffs in the shop, so that the Association of Catholic Trade Unionists had to go out with trucks and automobiles searching for these people throughout the city and couldn't get them all to the election, that actually the vote at that election was 15 to throw out the union and 5 in favor of it, 3 to 1, which, if we could have gotten to the rest of the employees—and we are now, by the way, putting in protest against that election because of that, and it was threats that they constantly made, "If we want to, we won't have anybody in that shop tomorrow."

Senator CURTIS. You feel that this procedure to deunionize the company, to take compulsory membership out of the contract, that that is one available present method of breaking the hold of unions who grant no service but the members are compelled to pay the dues?

Mr. RIZZO. Definitely, and a most effective one. It is the most effective one. It is the best they can do when you consider the difference between deauthorization and decertification.

There are certain instances where you would have trouble.

Senator CURTIS. The procedure that you follow there puts the membership on a voluntary basis rather than a compulsion that they lose their job?

Mr. RIZZO. That is provided no one interferes, it is voluntary.

Senator CURTIS. Yes.

Mr. RIZZO. Yes.

Senator CURTIS. And, if it is voluntary, then the union must make its appeal on the merits of its services and the accomplishments for workers?

Mr. RIZZO. That is right. That is where they go to the workers and say, "We are giving you something. Now keep us in there," and the employees say, "You haven't given us what you promised us. You don't give us a fair shake. Consequently, we are throwing you out and we are not giving you any more dues."

Senator McNAMARA. May I take it from there?

When you arrive at this position, you have no union, and the employer is compelled to pay \$40 a week?

Mr. RIZZO. Yes; the contract, may I state this—

Senator McNAMARA. There would be no contract.

Mr. RIZZO. Only that clause is knocked out. The rest of the contract remains intact. They continue with their salaries. In fact, one of the things—and I want to bring this out because I think a lot of this is pertinent to some of the things that were said here today—one of the things that was said to me during the conversation, and I am ready to back it up with a witness, one of the things that was said

to me by Mr. Marshall Miller immediately after one of the hearings was this: "Mr. Rizzo, you are not proceeding correctly. Why don't you go to George Meany and give him your complaints. These Puerto Ricans are not worth more than \$35 or \$40 a week. If you bring a proceeding and this union is knocked out, who knows—another union will come in and cause us more trouble. We are getting along fine with local 229 and we want to keep them there."

Senator McNAMARA. The point is, after they quit paying dues to the union, there will be no union, will there?

Mr. Rizzo. Yes.

Senator McNAMARA. This same union will remain, even if they get no dues?

Mr. Rizzo. That is right. You hit the point there. What union will go in to represent people that are not paying dues? You more or less take out some of the inducement for going in there.

Senator McNAMARA. I agree with you. You and I are certainly agreed. When you wind up with all of this with no union, you are going to wind up with \$40 a week, are you not?

Mr. Rizzo. Yes.

Senator McNAMARA. What have you done for your people?

Mr. Rizzo. Now, we have gotten rid of what I consider phony unions. Once we do that—that is ACTU. You see my job is finished once that is done. ACTU, then, tried to find some legitimate unions, and says, "Look, if you want to become members of unions, here is a list of good unions. They will fight for your rights. They will not sell you down the river."

Senator McNAMARA. I was wondering about your long-range program. Now, tell me about this election that you engaged in, where you went to the proper Government agency. Did you win the election or lose it, or what happened?

Mr. Rizzo. Well, we had a trial of the issues concerning jurisdiction. I beat them in the jurisdictional question. The first election was held with Maken Umbrella Co. We are still waiting on the other two.

What happened was that just before the election, a few weeks prior to the election, suddenly there were layoffs, and, as you know, the Puerto Rican people, being people with very little money, sometimes are compelled to move from one place to another to go to the lower rental. It is very difficult to find these people.

Senator McNAMARA. Did you win the election at the National Labor Relations Board or did you lose it?

Mr. Rizzo. Senator, actually I would say we won it, 15 to 5. The actual effect of it is that we lost. Fifteen voted to throw that clause out. Five voted not to throw it out.

However, they choose a certain number of employees as of a certain date. You see, it was not considered a majority of the employees previously employed. But if you fire them, or what they call layoff, and they go to all parts of the city and you can't find these people, you can't bring them into that election. Consequently, although the majority in that shop, really, and there were 20 there, 15 voted against the clause, although 15 wanted that clause out, that clause cannot be taken out because of these practices, practices by the employer, and from what Mr. Cohen tells me, at the instance of Mr. Marshall Miller.

Senator McNAMARA. I do not understand how this Government agency can rule that way.

Mr. Rizzo. It is the law.

Senator McNAMARA. The law is that you have to take into consideration employees who were then not employed because of their previous employment? Is that the point?

Mr. Rizzo. Well, as of a certain date.

Senator McNAMARA. There was no strike, no labor trouble, or anything?

Mr. Rizzo. No labor trouble whatsoever.

Senator McNAMARA. I do not know how these other employees get in there.

Mr. Rizzo. Suppose today you have 28 people working in your shop.

Senator McNAMARA. Let us take an actual case. Can we not discuss the terms of this actual situation, rather than discuss it on the basis of a hypothetical case?

Mr. Rizzo. All right.

Senator McNAMARA. I think it would be much more help to the committee.

Mr. Rizzo. I think it would be more burdensome. I have a list of the actual employees and how we had to go around and try to round them up.

Senator McNAMARA. What date is this that you are talking about? (The witness conferred with his counsel.)

Mr. Rizzo. For instance, here we had a case in Maken Umbrella where they figure that the number of employees on which they are going to figure it on, say, 2 weeks before the election is to take place, there are 38 employees. Now, everybody is put on notice as to when that election is to take place. Let us say 2 weeks hence.

There are 38 persons who the National Labor Relations Board will consider as the persons who are to vote. Immediately, 38 is the number.

On the date of the election, there are only 20 employees. The boss knows he has five in his hip pocket. Having five in his hip pocket, he knows no matter how you vote he will win the election, no matter what the results.

The rules say a majority of the 38. So when Mr. Marshall Miller says they had an election but a majority did not vote to throw out the clause, there is only a semblance of truth in that, but it is not all truth.

Senator McNAMARA. You had all of the 38?

Mr. Rizzo. Yes.

Senator McNAMARA. But you could not locate them?

Mr. Rizzo. We would go to one address and they would move.

There was even one in there that we challenged and had it thrown out. You would see a bunch of addresses in one neighborhood and when somebody comes in from Queens, you realize something is wrong.

Senator McNAMARA. You conclude that this is collusion between the management and the union that caused this condition to be brought about?

Mr. Rizzo. This is the only conclusion that I could reach.

Senator CURTIS. Did those men and women have to pay an initiation fee over again after that layoff?

Mr. Rizzo. That is something I have never had anything to do with, Senator, I couldn't give you a truthful answer.

Mr. KENNEDY. Do you do this work on a voluntary basis?

Mr. RIZZO. Definitely. I don't take a penny for any of the work that I do.

Mr. KENNEDY. All of the work that you have done for these people you have done on a voluntary basis?

Mr. RIZZO. Yes. In fact, it has cost me money.

Mr. CHAIRMAN. Thank you very much.

Call the next witness.

Do you want these affidavits made exhibits?

Mr. RIZZO. Yes.

The CHAIRMAN. These affidavits may be made exhibit 119.

(The documents referred to were marked "Exhibit 119", for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Mr. Miller discussed a \$10,000 fee that he contemplated getting from a group of employers to represent them. The testimony that he gave in connection with that fee is different from the information that we have and have developed.

We have a witness here who will testify regarding the conversation that he had with Mr. Miller in connection with the \$10,000 fee and the point that it was the association that decided not to hire Mr. Miller, rather than Mr. Miller deciding not to take the \$10,000. It is a question of whether you want to go into it.

The CHAIRMAN. As I see it, it will only be a question of credibility. Is there anything else?

Mr. KENNEDY. It is a question of credibility, and it is a question of what Mr. Miller was doing during this period of time as a consultant in this important organization up in New York.

The CHAIRMAN. In other words, it would be a conflict of interest.

Mr. KENNEDY. And his whole activity. He came down, of course, requesting to appear and testify before the committee on the basis that his integrity and honesty had been affected.

The CHAIRMAN. Very well, we will call him.

Mr. KENNEDY. Mr. Knapp.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall the truth and nothing but the truth, so help you God?

Mr. KNAPP. I do.

TESTIMONY OF STANLEY KNAPP

The CHAIRMAN. State your name, your residence, and your business or occupation.

Mr. KNAPP. My name is Stanley Knapp. I live at Sands Point, Long Island. I am president of Edward's Employment Agency at 73 Warren Street, Manhattan.

(Present at this point were Senators McClellan, Ives, and Curtis.)

Mr. KENNEDY. Mr. Knapp, we had some testimony from Mr. Miller regarding a conversation he had with Max Simon. Do you know Mr. Max Simon?

Mr. KNAPP. I met him once.

Mr. KENNEDY. Did you personally have any conversations with Mr. Miller?

Mr. KNAPP. I did.

Mr. KENNEDY. Will you tell us how they came about?

Mr. KNAPP. I was at Senator Ostrander's public hearing on the Hatfield bill at the hotel and, of course, on the dais they present all the members and they introduce all the members to the audience.

Mr. KENNEDY. Members of what?

Mr. KNAPP. Members of the committees. It was a mixed committee, the assembly and the senate committee on the Hatfield bill.

Senator IVES. What was the Hatfield bill?

Mr. KNAPP. A bill for the regulation of employment agencies.

Mr. KENNEDY. Did they introduce Mr. Miller at that time?

Mr. KNAPP. They introduced everybody at that time.

Mr. KENNEDY. And Mr. Miller was one introduced?

Mr. KNAPP. He was the last one introduced.

Mr. KENNEDY. He was introduced as a representative of that committee that was considering this bill?

Mr. KNAPP. He was introduced as a labor consultant for the committee.

Mr. KENNEDY. And they were the committee considering this bill?

Mr. KNAPP. Yes.

Senator IVES. What committee was that?

Mr. KNAPP. Senator Ostrander's committee.

Senator IVES. A joint legislative committee?

Mr. KNAPP. Yes.

Mr. KENNEDY. Go ahead. You saw him on the dais?

Mr. KNAPP. The next time I met that man was at a cocktail party. It was given by one of our members in honor of an incoming president. As I walked in the door, I was introduced to Mr. Miller for the first time face to face.

I met other people there. After a while, somebody suggested, I am not sure who because I had too much to drink, "Why don't you contact Mr. Miller? He seems to have a lot of influence."

I said, "Well, I may do that."

Mr. KENNEDY. Who said that to you?

Mr. KNAPP. I am not sure. It could have been Mr. Simon. It could have been any one of the boys there.

Mr. KENNEDY. Do you think it was an employer, or was it somebody connected with the government?

Mr. KNAPP. There were no employers there. There were newspapermen there.

Mr. KENNEDY. Was it somebody connected with the government?

Mr. KNAPP. No. It was one of our agency owners, licensees, I imagine. There were about 20 of them there.

I called Mr. Miller and asked him if I could talk to him. He said he was going away, but could give me a few minutes. I went up to his office and the first thing I said to Mr. Miller is, "We have a public-relations and labor-relations problem. Our industry always had it. We are trying to do something about it. Could we retain you, or would there be a conflict of interest?"

He said, "No, there would be no conflict of interest whatsoever."

Mr. KENNEDY. Was there discussed at that time some of the work to be done?

Mr. KNAPP. No. That is the first thing I asked him, about the conflict of interest. I said, "We are presenting a bill ourselves and we need help. You seem to know a lot about labor and management and,

after all, you are the consultant to this committee. Could you help us?"

He said, "Well, I will work with you." I said, "How much will this thing cost?" He said, "\$10,000 per year." Not a one-shot affair. I said to him, "\$10,000?" And he said, "Yes."

I said, "Well, we are a poor organization, but," I say, "let me talk to some of the men and I will let you know."

I never called him, never saw him again until today.

Senator IVES. Mr. Chairman, may I interrupt here?

What time of year was this?

Mr. KNAPP. Around July. About the first week of July.

Senator IVES. You were talking about what kind of a bill?

Mr. KNAPP. I was talking about a bill that I intended to present.

Senator IVES. I thought you said at the start you were talking about the Hatfield bill.

Mr. KNAPP. The Hatfield bill had been put down. So far as I was concerned, it was dead for this past year.

Senator IVES. If it was dead, there was no legislature in session, the bill was completely dead and there was no bill before any committee at that time.

Mr. KNAPP. I know it.

Senator IVES. What did this joint legislative committee have to do with it?

Mr. KNAPP. Nothing.

Senator IVES. Exactly. That legislative committee so far as I know never had anything to do with employment agencies. It did not when I was chairman, and I do not know what they are doing with them now.

Mr. KNAPP. The Hatfield bill was considered in January.

Senator IVES. That is not a standing committee, that legislative committee is not. It reports out no bills whatsoever.

Mr. KNAPP. Senator, I don't know these things.

Senator IVES. You live in New York, do you not?

Mr. KNAPP. That is right.

Senator IVES. You deal with the New York Legislature; do you not?

Mr. KNAPP. And I was at a public hearing when they were talking about the benefits, or the why's and wherefore's of the Hatfield bill, and I was there at the time.

Senator IVES. That committee was at that time?

Mr. KNAPP. That is right.

Senator IVES. What time was the hearing?

Mr. KNAPP. The hearing, I believe, was in May or April.

Senator IVES. That is impossible. There was no Hatfield bill before them at that time. The bill was dead.

Mr. KNAPP. There was a Hatfield bill in November, I know that.

Senator IVES. There was not a Hatfield bill in November because the legislature was not in session. There was no Hatfield bill in existence at that time. There may have been a Hatfield bill at some time, but not then. I know something about the legislature of the State of New York myself. I was a member of it for 17 years.

Mr. KNAPP. That is right, Senator.

Senator IVES. All right.

Mr. KNAPP. I am not arguing the points of the Hatfield bill. I am saying what was there. I am not a politician.

Senator IVES. I know the Hatfield bill was not there at that time.

The CHAIRMAN. All right. Proceed.

Senator CURTIS. What year are you talking about?

Mr. KNAPP. This discussion?

Senator CURTIS. Yes.

Mr. KNAPP. This discussion was last month.

Senator CURTIS. This year?

Mr. KNAPP. The one that Mr. Kennedy is talking about.

Mr. KENNEDY. As I understand your testimony, you were the one that raised the question of a conflict of interest?

Mr. KNAPP. Yes.

Mr. KENNEDY. And Mr. Miller said to you contrary to his testimony before this committee, Mr. Miller said to you there would not be any conflict of interest?

Mr. KNAPP. That is right.

Mr. KENNEDY. And——

Senator IVES. Mr. Chairman, I hate to interrupt again, but I wish to raise the questions as to what the committee or the United States Senate itself has to do with a conflict of interest under the New York State law.

I think this particular thing we are in now is strictly a matter of New York State law. I think it is strictly a matter for the New York State Legislature to determine. If there is anything wrong, I am as indignant about it as anybody else and I want it straightened out.

But I do not think we are exactly the party to supersede the Legislature of the State of New York in straightening it out.

The CHAIRMAN. Senator, I do not think the question of the bill in the New York Legislature is significant or anything to do with this committee. The only question that I see in here is that Mr. Miller came down here and gave us some testimony and the question is about the way he operates, particularly with reference to these other unions.

I do not know just what significance it has. He represents, apparently, the interests of the employers that are in collusion with some of these unions to hold down these wages.

Senator IVES. Mr. Chairman, I want to point out that this witness is talking about a bill on which there was supposedly a hearing, a bill which at the time did not even exist. It could not have existed.

The CHAIRMAN. When was the time you attended what you called the committee meeting?

Mr. KNAPP. It was a public hearing.

The CHAIRMAN. When?

Mr. KNAPP. I don't know. There is a record of it, I know. It was at the Astor Hotel.

The CHAIRMAN. When? Let us get some idea about the time. This year, last year?

Mr. KNAPP. I believe it was September or October of last year, for the January legislature.

The CHAIRMAN. For what?

Mr. KNAPP. For the January legislature.

Senator IVES. Mr. Chairman, in that connection, I want to point out that all legislation dies at the close of every legislative session.

The CHAIRMAN. Apparently this had not been introduced at that time. The legislature had not met.

Mr. KNAPP. I didn't discuss any bills with Marshall Miller, and I didn't come here voluntarily, Mr. Chairman. I was subpoenaed to come here. I don't know why I am here myself. I had a conversation with the man I met once or twice and that's all.

It never went through, but I have been here since 9 o'clock this morning. I got a subpoena at 3 o'clock yesterday afternoon, as the first I heard of.

The CHAIRMAN. That does not tell me when this meeting was supposed to have been held.

Mr. KNAPP. Which meeting are you talking about? The meeting with Marshall Miller?

The CHAIRMAN. No. I understand that was about a month ago.

Mr. KNAPP. That is correct.

The CHAIRMAN. There is some question about the Hatfield hearing.

Mr. KNAPP. Do you mean the public hearing?

The CHAIRMAN. Yes.

Mr. KNAPP. That could be looked up very easily. Maybe Mr. O'Donnell has a copy.

The CHAIRMAN. I thought maybe you could remember the time.

Mr. KNAPP. I have been to so many meetings I forget them.

The CHAIRMAN. That was last year?

Mr. KNAPP. Yes.

The CHAIRMAN. That was the meeting on the Hatfield bill which you say was a public hearing?

Mr. KNAPP. That's right.

The CHAIRMAN. I do not know whether it is an official committee meeting. Sometimes people proposing legislation have a public meeting to try and build up sentiment to get support for their bill.

Mr. KNAPP. This was a bill that was to be presented, and we had objections to it. Our committee went there to a public meeting.

The Labor Department was there.

The CHAIRMAN. It is kind of a citizens' meeting?

Mr. KNAPP. That is right. They have them every year before the legislature starts.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. I would like to say that we made an investigation of Marshall Miller. Mr. Miller made certain statements to us about his veracity, truthfulness and activity. We made an investigation. In the course of the investigation, we came across these facts that we have presented in the form of affidavits and witnesses.

One of the other matters that we came across was a conversation that Mr. Miller had regarding a \$10,000 payment that he was prepared to receive from this group of employers, and that at the same time the bill that they were interested in was to be recommended or not recommended by the same committee to whom he was a consultant; namely, the State of New York Joint Legislative Committee on Industrial and Labor Conditions. I did not intend to go into the conflict of interest other than the question that it gets to the veracity, truthfulness and honesty of Mr. Marshall Miller, as some of these other witnesses bear on that matter.

The CHAIRMAN. The thing I am interested in and which I think this committee is interested in, is Mr. Miller's operations primarily in connection with the unions up there. That is pertinent to this inquiry.

The other, as I understand it, is a question of credibility. Mr. Miller has come down and challenged the veracity of the statements made here.

Senator Ives. Before the witness leaves, I want to point this out, that I condemn Mr. Miller if he made any such suggestion regarding \$10,000 as the witness says. I think that should be looked into very carefully by the Legislature of the State of New York, especially by that joint committee to which you refer. But I think it is strictly within their province and not within ours.

The CHAIRMAN. I think that is correct, as to the conversation with Mr. Miller.

There are other activities which have been testified to here that Mr. Miller may have engaged in which are of concern to this committee and pertinent to this inquiry.

Is there anything further?

Mr. KENNEDY. I want to express my appreciation to Mr. Knapp for coming down.

The CHAIRMAN. The committee stands in recess until 10:30 tomorrow morning.

(Thereupon, at 5:50 p. m., the committee recessed, to reconvene at 10:30 a. m., Thursday, August 15, 1957.)

(Members of the select committee present at the taking of the recess were: Senators McClellan, Ives, and Curtis.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, AUGUST 15, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10:30 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senators John L. McClellan, Democrat, Arkansas; Irving M. Ives, Republican, New York; John F. Kennedy, Democrat, Massachusetts; Sam J. Ervin, Jr., Democrat, North Carolina; Pat McNamara, Democrat, Michigan; Karl E. Mundt, Republican, South Dakota; Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adelman, chief assistant counsel; Paul J. Tierney, assistant counsel; Walter R. May, assistant counsel; Robert E. Dunne, assistant counsel; P. Kenneth O'Donnell, assistant counsel; Frank C. Lloyd, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

(Members of the select committee present at the convening of the session were: Senators McClellan, Ives, Kennedy, and Curtis.)

The CHAIRMAN. The Chair will make a brief statement to place the hearings today and the testimony we expect in its proper perspective, based upon what has preceded, and the evidence heretofore by the committee.

We have established that there was fraud in procuring the charters for a number of teamster locals in New York. We have shown that there was fraud in the letters and in the certification of those who were declared eligible to vote in joint council 16 election.

We have also established there was fraud in casting the votes in that election for these phony locals.

We expect to establish that these charters were issued, charters to these phony locals, at the request of one Jimmy Hoffa.

I think we have also developed to date that Johnny Dio's followers were the instruments that were used in perpetrating these frauds.

Now today we expect to show that Johnny Dio himself participated directly in these frauds along with another such character, that of Tony "Ducks" Corallo.

With that background, I thought maybe those interested would be able to anticipate and follow the testimony that we hope to develop today.

Call the first witness.

Mr. KENNEDY. Mr. Chairman, we have some charts here regarding Mr. Tony "Ducks" Corallo, his participation in the labor union movement, and his own background and the background of his followers.

Mr. Corallo, just to give a little bit of his background, came into the labor union movement in about 1951. He was an organizer for Local 995 of the UAW-AFL.

Now, over here we have some charts regarding the United Automobile Workers, AFL, operating in New York. We do not have 995 on there because 995 was a completely separate entity from the locals of the UAW-AFL, controlled by Johnny Dio. It is significant that Dio did not control the local that was run and operated by Tony "Ducks" Corallo. He operated as a separate entity.

In 1954, Tony Ducks received a charter, or a charter was granted to Local 239 of the International Brotherhood of Teamsters. Corallo became vice president of that local, and he remained as vice president of Local 995 of the UAW-AFL, and he continued to hold both of those positions through 1954, 1955, and 1956, December of 1956 when he gave up the charter of local 995. He is still a vice president of Local 239 of the International Brotherhood of Teamsters. He controls a number of other locals in New York.

He has an interesting background. We understand that he is reasonably prominent in the underworld in New York, and we talked to 1 employer who had hired him and the employer said that he hired him to come into his place of business once every 2 weeks or so, and glare at the employees. We asked him if the employees knew that Tony "Ducks" Corallo worked for him, and he said "no; they didn't," but it was enough to have him just come in and look at them, and that would keep them at their work.

We have a chart here showing the background of his followers, and Johnny Dio's followers. Some of them, people we have already had testimony about, and others whose names are less familiar will figure more prominently in hearings that are to follow. These are the people who played important roles with Johnny Dio and Tony Ducks.

You can see regarding Corallo that he has been arrested a good number of times, and he has avoided being convicted. It is for that reason that he has the middle name, or he is called "Ducks," because he was able to duck so many. Some of these people, or at least one of them, has been charged with being an accessory to murder, and the charges range from bookmaking to that which is the most serious.

Mr. Chairman, we also have a chart here showing the locals that in our estimation or that we can show, are controlled by Tony "Ducks" Corallo. Although he is supposedly just a vice president in local 239, we believe we have evidence to show that he controls 5 or 6 other different locals.

According to our information, he controls four different teamsters locals, and he controls local 995 of the UAW, and he controlled 405 of the retail clerks, which was operated by Max Chester, and he controls local 229 of the textile workers which is the Archie Katz local, which is the local that we had testimony about yesterday in connection with Marshall Miller.

Our first witness, Mr. Chairman, is Mr. Tony "Ducks" Corallo.

The CHAIRMAN. Mr. Corallo, will you come around, please?

Mr. Corallo, be sworn.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CORALLO. I do.

**TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL,
JOSEPH M. McDONOUGH**

The CHAIRMAN. State your name, your place of business, your residence, and your business or occupation.

Mr. CORALLO. My name is Antonio Corallo. I live at 14467 Eighth Avenue, Long Island, N. Y.

The CHAIRMAN. You are also known as Ducks Corallo?

Mr. CORALLO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Do you have any business?

Mr. CORALLO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Do you have any profession?

Mr. CORALLO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Do you have any occupation?

Mr. CORALLO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Are you a known racketeer?

Mr. CORALLO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Do you have a lawyer?

Mr. CORALLO. Yes, sir.

The CHAIRMAN. That wouldn't incriminate you. All right, Mr. Counsel, you may identify yourself for the record.

Mr. McDONOUGH. My name is Joseph M. McDonough, attorney in the Commonwealth of Massachusetts for the past 30 years, with offices at 6 Beacon Street, Boston.

The CHAIRMAN. Thank you very much.

Mr. McDONOUGH. I have a motion. May I be heard at this time?

The CHAIRMAN. Briefly.

Mr. McDONOUGH. Under the atmosphere particularly in relation to the opening made by counsel for the committee, the witness at this time requests a continuance to a later date because certainly the statements made by counsel and the charts that are exhibited here are highly prejudicial from the standpoint at least of this witness obtaining a fair hearing. If this request is denied, of course, I will advise the witness as to his constitutional rights.

I further wish to have it recorded in the record of this committee that this witness is acting under the advice of counsel, under the protective amendments of the Constitution; namely, amendment 1, amendment 4, amendment 5, and amendment 6, and also I wish to cite to your attention, sir, the Federal Communications Act and any violation thereof, and further than that, that even though under certain decisions given by the Supreme Court where one takes advantage of the amendment to the Constitution, that might be considered

an admission as to some later tribunal, I still cite to you, sir, that he is acting on the advice of counsel, which is not construed to be an admission on his part.

I just want the record to note that for the furtherance of this hearing.

The CHAIRMAN. The Chair has heard counsel's statement, and I am advised by members of the staff that your client was interviewed some months ago. We undertook to interview him about these matters, and he declined to talk then, and I have no reason to think unless you can give me assurances, that he will not take the fifth amendment, and I see no reason to delay it.

Mr. McDONOUGH. Except this, sir, Mr. Chairman, that I again point out to you that the opening statement made by counsel for the committee, and the highly inflammatory statements that have been in the press throughout the Nation, and also the exhibits that are placed here before us today immediately in back of the members of the committee, certainly wouldn't be construed or in any way to be considered as an adequate preparation for any man who is answering a subpoena as a witness before this committee.

The CHAIRMAN. He is not on trial.

Mr. McDONOUGH. I realize that.

The CHAIRMAN. He is here to give him an opportunity to help this committee carry out its assignment.

Mr. McDONOUGH. I realize that, sir. But as an American citizen he has inherent rights which the Constitution guarantees to him, and I submit those rights are being violated.

The CHAIRMAN. The Chair overrules the contention.

Mr. McDONOUGH. I would like to have a vote of the full committee, if I may.

The CHAIRMAN. All those favoring granting the objections and the continuance asked by counsel for the witness say "aye." Is there any discussion?

Senator KENNEDY. I would like to ask the counsel, if he objects to the atmosphere of the committee, if this session were held at another time under different circumstances, would the witness testify?

Mr. McDONOUGH. I believe, under certain circumstances, Senator Kennedy, this witness may testify.

Senator KENNEDY. Before we vote on this, we would like to have some assurance. Would he answer the questions or would he avail himself of his constitutional rights?

Mr. McDONOUGH. I am aware of the fact that this committee cannot grant immunity. But I am also aware that all I can do is advise the client. I have limits to that. That is so far as advice is concerned. As to what the witness will do, I have to assure the committee that I do not know, and all I can do is advise him of his constitutional rights.

Senator IVES. May I ask counsel a question on that?

Is your client under indictment for anything at the present time?

Mr. McDONOUGH. To my knowledge he is not, Senator Ives.

Senator IVES. Has he been convicted, or is he convicted at the present time of anything, subject to sentence?

Mr. McDONOUGH. To my knowledge, Senator Ives, he is not, so far as I know.

Senator IVES. Has he been subpoenaed up in New York City, or is he under subpoena at the present time in New York City?

Mr. McDONOUGH. At present time, to my knowledge he is not, Senator IVES.

Senator IVES. Then I can't see why he shouldn't answer.

Mr. McDONOUGH. Well, I might cite to you a number of cases of the Supreme Court.

The CHAIRMAN. Is there any discussion before we vote?

All right, those favoring the granting of the request of counsel on the basis of the statement that he has made, hold up your right hand.

Those opposed hold up your right hand.

It is unanimous. We will proceed.

Mr. McDONOUGH. I have one other request.

The CHAIRMAN. Let the record show the vote of four present was unanimously in the negative.

Mr. McDONOUGH. During this appearance before the committee, might it be suggested by you to the photographers and to the cameras, that they desist while this man is testifying? The reason is that this man has been sick the last 2 nights, and under rule 8—

The CHAIRMAN. Apparently he is not going to testify and I am not going to grant that consideration for a man coming here who won't tell us where he works and what he does.

Mr. McDONOUGH. Under the rules of your committee, as I understand them, if the man is sick he may make the request and then it requires a vote of the full committee to sustain the request or not.

The CHAIRMAN. It is in the discretion of the committee at any time as to whether it grants the request.

Mr. McDONOUGH. That is true.

The CHAIRMAN. And the Chair has made a ruling here, and I think I have been sustained in it heretofore. When these folks come in here and take the fifth amendment, I don't think a little light or a little picture occasionally will detract from them being able to do that.

That is the ruling of the Chair.

Senator IVES. Mr. Chairman, I can't see that the witness looks very ill.

Mr. McDONOUGH. Sometimes appearances are deceiving, sir.

The CHAIRMAN. They are.

Senator CURTIS. I would like to ask the counsel something. Do you expect to advise him to decline to testify concerning matters and transactions that by reason of the running of the statute of limitations, he could not possibly be prosecuted?

Mr. McDONOUGH. Do I expect to advise him? I couldn't pass on that question, Senator, until the time arises as to what the question is. He is the one who determines that. I can only counsel and advise him. The Supreme Court has stated that it is the opinion of the witness that counted and not the question. I can advise him accordingly as the questions are propounded to him, as to what his rights are.

The CHAIRMAN. Gentlemen of the committee, the Chair overrules the request to turn off the lights and desist from taking pictures. Is there any objection on the part of the membership to the Chair's ruling?

Senator IVES. Mr. Chairman, in line with that I want to point out that the lights are no tougher on the witness or any witness that comes here than they are on us, or on the press, for that matter.

We are not objecting in any way, shape, or manner.

The CHAIRMAN. Well, we have to have a ruling here.

Mr. McDONOUGH. Your role is a little different than that of the witness here, I can assure you of that.

Senator CURTIS. I think the Chair's ruling is proper and I think we should proceed.

The CHAIRMAN. Proceed to interrogate the witness, Mr. Counsel.

Mr. KENNEDY. As we understand it, you are vice president of local 239 of the teamsters at the present time.

Mr. CORALLO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. You do not even respectfully refuse to answer, do you.

Mr. CORALLO. I respectfully refuse to answer.

Mr. KENNEDY. According to the information that we have, you have had a record of 12 arrests, dating from 1929, with 5 arrests for robbery and 3 on narcotics charges; is that right?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. You were convicted in 1941 for unlawful possession of narcotics.

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And your two chief lieutenants are Charles Kaminesky, also know as Charles Duke, and Mr. Carmine Tramunti, also known as "Gribbs"?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And Mr. Charles Kaminetsky has no legitimate employment that can be found, that we know of. Could you tell us what his source of income is?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And he has a criminal record dating back to 1931 which includes arrests for vagrancy, felonious assault, robbery and burglary, and he received a 1- to 5-year sentence in Sing Sing on conviction of being an accessory to a murder in 1938.

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And Carmine Tramunti is carried on the payrolls of the Imperial Trucking Co. as a solicitor. Could you tell us what a solicitor is?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And his criminal record dates back to December of 1939, and it is a number of arrests for assaults and robbery. On December 8, 1932, he received a 6- to 15-year sentence in Sing Sing for felonious assault.

He was arrested on January 20, 1945, again on charges of felonious assault with a gun, and he was discharged on February 20, 1945. Could you tell us anything about him?

Mr. CORALLO. I respectfully decline to answer on the ground——

Mr. KENNEDY. His name is Carmine Tramunti and he is also known as Gribbs?

The CHAIRMAN. Do you know Carmine Tramunti or Gribbs?

Mr. CORALLO. I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Is he one of your buddies?

Mr. CORALLO. I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you use him as a strong-arm man to intimidate folks?

Mr. CORALLO. I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. How many do you have under your control that you use for such purposes?

Mr. CORALLO. I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you know Johnny Dio?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Does he know you?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. You are in the labor racket business together, are you?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Senator CURTIS. Mr. Chairman, I have a question. The counsel spoke of the witness' inherent rights as a citizen and I would like to ask the witness, are you a citizen of the United States?

Mr. CORALLO. Yes.

Senator CURTIS. Where were you born?

(The witness conferred with his counsel.)

Mr. CORALLO. In New York.

Senator CURTIS. When?

Mr. CORALLO. 1913.

Senator CURTIS. Where did you attend school?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Senator CURTIS. Have you always lived in New York?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Senator CURTIS. What was the first occupation that you followed?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Senator CURTIS. If you were born in 1913, by 1935 you were of age and that is 22 years ago. It could not incriminate you. What was your first job or employment?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Senator CURTIS. When did you enter the labor movement?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Senator CURTIS. Are you a veteran of World War II?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. You are ashamed of it?

(The witness conferred with his counsel.)

Mr. McDONOUGH. Excuse me one moment. The witness did not get your question, Mr. Chairman.

The CHAIRMAN. He was asked if he is a veteran of World War II and he said he declined to answer on the ground it might tend to incriminate him and I asked him if he was ashamed of it.

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Proceed.

Senator CURTIS. That is all.

Mr. KENNEDY. We understand that Mr. Carallo has had sources of income that go outside his employment or control over labor unions. Could you tell us about that, Mr. Corallo?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. We understand that all of his operations were out of local 229, the union run by Mr. Archie Katz.

Could you tell us anything about that?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Do you have a buddy named Freddie?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Do you have a business relation with him?

Mr. CORALLO. I respectfully decline to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. Do you recognize the person about whom I am inquiring?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Would you recognize his voice?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. The record will reflect that we have certain recordings of telephone conversations that we secured from the authorities in New York by a court order, authorizing the committee to make use of them for the purpose of these hearings.

The recordings were obtained legally under the laws of the State of New York and, therefore, we are going to play a recording for the record at this time with a very solicitous invitation to the witness to listen carefully because there may be something in there that he would want to explain or deny or to amplify.

We will furnish the witness with a copy of the transcription and the playing of the record or recording may proceed.

Mr. KENNEDY. Mr. Chairman, I might just say in connection with this recording that the only changes that have been made are a beep signal instead of profanity.

Mr. McDONOUGH. Mr. Chairman and members of the committee, might it be recorded or noted at this time that counsel for the witness

wishes to object to the introduction of such recordings and calls to your attention that this is a violation of section 605 of the Federal Communications Act of 1934.

I respectfully further call to your attention the case of *Noden v. United States* (302, p. 379), and *Olmstead v. The United States* (277, p. 438).

The CHAIRMAN. The purpose of this hearing is to get information upon which the Congress may predicate legislation. This is not a criminal trial.

Proceed with the recording.

Mr. McDONOUGH. Except that the committee is bound by the rules of evidence, the rules of which are governed by Supreme Court decisions.

The CHAIRMAN. Well, this committee is not bound by all of the rules of law governing criminal trials.

Mr. McDONOUGH. The legality of that is determined by a court.

The CHAIRMAN. Sir, your objections are overruled.

Proceed with the recording.

(The transcript of telephone conversation between Antonio "Ducks" Corallo and one "Freddie" on February 2, 1955, is as follows:)

CORALLO. Oi, yoi, yoi, yoi, yoi. They got Freddie?

If they got Freddie, they got the bankroll.

They took the money?

FREDDIE. Hello? Hello?

CORALLO. Freddie?

FREDDIE. Yes.

CORALLO. What happened?

FREDDIE. Oh, them same people.

CORALLO. They didn't get the money; did they?

FREDDIE. No.

CORALLO. No money?

FREDDIE. Huh?

CORALLO. No money?

FREDDIE. Not a penny they got.

CORALLO. We didn't get stuck; did we?

FREDDIE. Do you mean in the game?

CORALLO. Yeah.

FREDDIE. They were losing about 1,200.

CORALLO. They were losing about 1,200.

FREDDIE. I just got back from court.

CORALLO. Did they hold anybody?

FREDDIE. No.

CORALLO. Nobody, huh?

FREDDIE. Nobody.

CORALLO. What you do with that rat——? He done it again, huh?

FREDDIE. You know who it is?

CORALLO. Yeah.

FREDDIE. Yeah.

CORALLO. What did he say?

FREDDIE. He wanted to whack me in the head with an ax. He said, "Show me where the thing is or I will whack you with this ax."

CORALLO. He whacks his —— and the whole —— police department.

FREDDIE. I said, "Why don't you get the —— away from me with that kind of talk?"

You know? I said "I don't even know what the —— you are talking about."

CORALLO. He'd whack you on the head, huh?

FREDDIE. Huh?

CORALLO. He'd whack you on the head with an ax?

FREDDIE. Yeah.

CORALLO. The yellow rat ——.

FREDDIE. He couldn't find the place, ya know. They knew it was there, ya know.

CORALLO. Huh?

FREDDIE. He couldn't find the place.

CORALLO. He couldn't find the what?

FREDDIE. The cellar. You know.

CORALLO. How did he find it?

FREDDIE. He find—they knew it was there, ya see? They caught me upstairs with the two kids that own the store, ya know, so they had the cops there,

CORALLO. They had the cops?

FREDDIE. Yeah, they had the cops there. The cops were watching us. They busted right in there. He said, "Where is that place or I'll whack you with this right over your head."

CORALLO. He whacks his mother. She has a big enough ——.

FREDDIE. I said, "Who are you? What are you, crazy?" He said, "You know who I am." I said, "No, I don't know who you are," ya know. He said, "If you don't know, well, I am telling you," ya know.

CORALLO. Who is he?

FREDDIE. He told me they were police officers. I told him, "What are you coming to me for? What are you, crazy?" I said, "I just come from the movies around the corner. I live in the neighborhood. I stop here for a cup of coffee with the people that own this place."

CORALLO. They held nobody, huh?

FREDDIE. No.

CORALLO. He is going to come again, he says?

FREDDIE. I don't know, Tony. He was pretty good after that, ya know.

CORALLO. He was pretty good?

FREDDIE. The son of a —— . He didn't try to hold—he said he was going to hold me for maintaining. He said, "You're the boss." I said, "What are you going to make me, the boss of the —— house?"

CORALLO. Did you tell him?

FREDDIE. Yeah.

CORALLO. Did you tell him he was going to make you the boss of the —— ?

FREDDIE. "What are you going to make me, the boss of the —— house?"

CORALLO. What did he say to that?

FREDDIE. He started to laugh.

CORALLO. He laughed, huh?

FREDDIE. He gave me some frisk, though. If he found the money, he would have held me.

CORALLO. He didn't find it?

FREDDIE. No; I had it in my shoe.

CORALLO. O. K.

FREDDIE. O. K., boy?

CORALLO. All right.

FREDDIE. I am going to lay down for a while. O. K., Tony?

Mr. KENNEDY. Mr. Chairman, this recording was made on February 2, 1955, at the same time that Mr. Corallo was listed as a vice president of local 239 of the teamsters. We have a witness here that can identify Mr. Corallo's voice on that recording.

The CHAIRMAN. Maybe Mr. Corallo will save us having to put on that witness. Would you like to identify your voice, Mr. Corallo?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. You would not want to identify the other voice and tell us who "Freddie" is?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. All right; let us have the witness.

Mr. KENNEDY. Mr. Laurendi.

TESTIMONY OF DETECTIVE NATALE LAURENDI

The CHAIRMAN. You have been previously sworn?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. You will remain under the same oath, and you may proceed.

Mr. KENNEDY. Would you identify yourself?

Mr. LAURENDI. Detective Natale Laurendi, shield No. 2021, in New York City Police Department, assigned to the district attorney's office squad, New York County, Capt. Frederick W. Haynes, commanding.

Mr. KENNEDY. This recording that you have just hear; you are familiar with it, are you?

Mr. LAURENDI. I have heard the call previously.

Mr. KENNEDY. And it was obtained through a court order with the cooperation of District Attorney Hogan, was it not?

Mr. LAURENDI. Yes, sir; it was.

Mr. KENNEDY. And have you followed the recording on the transcript?

Mr. LAURENDI. Yes; I have.

Mr. KENNEDY. And is it an accurate transcript of the recording?

Mr. LAURENDI. It is, sir.

Mr. KENNEDY. Can you identify the voices of the recording?

Mr. LAURENDI. I can identify the voice of Antonio Corallo.

Mr. KENNEDY. And the voice that is listed, or the name that is listed in the transcript as Tony Corallo's words are, in fact, the voice of Tony Corallo?

Mr. LAURENDI. Yes, sir; they are.

Mr. KENNEDY. Could you tell us about the transcript? It discusses the fact that they hid the money in the shoe at this crap game; is that right?

Mr. LAURENDI. Yes, sir.

Mr. KENNEDY. Could you tell us if this place was raided again by the police department?

Mr. LAURENDI. Originally it was raided, and arrests were made, and I think the press had a report of that.

Mr. KENNEDY. And was it subsequently raided again?

Mr. LAURENDI. I do not believe it was at that location, because these floating crap games usually change locations.

Mr. KENNEDY. Do you know if it was raided at a different location?

Mr. LAURENDI. I believe it was.

Mr. KENNEDY. And do you know at that time whether they did search the shoe?

Mr. LAURENDI. I don't know whether they did.

Mr. KENNEDY. We understand, Mr. Chairman, that the next time that the raid was conducted all of the bankroll was picked up.

TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL, JOSEPH M. McDONOUGH—Resumed

The CHAIRMAN. This is your place of business, referred to in this transcript of this recording of the telephone conversation?

Mr. CORALLO. I refuse to answer.

The CHAIRMAN. Were you using union funds to operate it?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Is that a part of your activities as an officer in a union?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Did it have any connection with the unions you were affiliated with?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Well, if there were union funds, do you not think the members might have a little interest in it?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Are there any other questions?

Senator CURTIS. Do you mind if I ask the detective a question?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. You referred to this place, where the telephone conversation referred to. What place is it?

Mr. LAURENDI. I don't know the exact location, sir, but I think it was somewhere in the Bronx on Audubon Avenue. The location would be reflected in the files of the New York City Police Department.

Senator CURTIS. You, personally, do not have those records?

Mr. LAURENDI. No, sir; I do not.

Mr. KENNEDY. Mr. Chairman, we have some other recordings dealing with the control of various locals by Mr. Anthony "Ducks" Corallo. The first call that we wish to play is dated October 28, 1954, and shows several things. The call is a call from Corallo to Al Reger, who was secretary-treasurer of Local 522 of the International Brotherhood of Teamsters.

It shows, No. 1, that Mr. Reger looks to Mr. Corallo for instructions. No. 2, it also shows that Mr. Corallo, although a vice president of the teamsters himself, namely, local 239, was unfamiliar with the procedure that needed to be followed in certain matters dealing with teamster affairs.

Senator CURTIS. I would like to ask counsel a question. Teamsters local 522—what sort of drivers are they? What industry?

Mr. KENNEDY. The lumber yards. I might say, about Al Reger, he has just been indicted and convicted of extortion within the period of the past few weeks.

Mr. McDONOUGH. Might it be noted, Mr. Chairman and members of the committee, at this time, that, if I might borrow an expression or a statement made by a member of your committee yesterday, namely, Senator Ives, this is purely a matter intrastate rather than interstate, that New York authorities, if any, should be cognizant of the situation, and they alone should be the ones to pass on this. We strenuously object to it, so far as this witness is concerned.

As I understand the purposes of this committee, these hearings are on irregular practices in the management or labor field. I don't know about a crap game having anything to do with management or labor. Certainly, this is a matter that is within the purview of New York State or New York City alone. It has nothing to do with the United States Senate.

The CHAIRMAN. Well, that is a rather narrow view of it, you know. After all, if they were using union funds in this crap game up there, it might be of great concern, not only to the union members, but also to the Senate of the United States.

Mr. KENNEDY. Mr. Chairman, the attorney raised a question about the legality of wiretaps and their use. I want to bring to your attention the case of the *United States v. Frank Costello*, in the second circuit court of appeals:

The fruit of any 1925-26 taps is admissible. The wiretaps in 1943 were done by State officers without FBI connivance. They are admissible in a Federal court, and the fruit of them, if similarly obtained without Federal connivance, is also admissible.

Mr. McDONOUGH. Mr. Kennedy, would you cite me the citation on that, please?

Mr. KENNEDY. *United States v. Frank Costello*, just decided.

Mr. McDONOUGH. If you will look up the case of *Olstead v. The United States*, and *Argonne v. The United States*, you see that it is a violation of the Federal Communications Act of 1934.

Mr. KENNEDY. I am just telling you that this court holds differently. This is a circuit-court decision.

The CHAIRMAN. All right. We are going to hear them, so let us proceed.

Senator KENNEDY. Mr. Chairman, the question has been raised as to whether this is just the business of New York State. I understand that Al Reger, involved in this conversation with Mr. Corallo, was an officer in local 522, which had offices and actions involving both the State of New Jersey and New York, and, therefore, it was interstate, and, therefore, is a Federal responsibility.

The CHAIRMAN. It is a Federal responsibility where any union complies with the law and receives the benefits of the National Labor Relations Board. It does not matter whether the business is intrastate or interstate. We have an obligation where we require them to file, and they do file, and get the benefit of the services provided by the Federal Government. Certainly, the Federal Government and this committee have jurisdiction to look into the operations. Let us proceed.

(Transcript of telephone conversation between Anthony "Ducks" Corallo and Al Reger on October 28, 1954, is as follows:)

ANTHONY CORALLO. Hello, Al?

AL REGER. Yeah.

CORALLO. Listen—

REGER. Yeah.

CORALLO. Our friend in the office—

REGER. Yeah.

CORALLO. Huh?

REGER. Our friend?

CORALLO. Huh?

REGER. Our friend here?

CORALLO. Yeah.

REGER. Which one—G. B. or Hickey?

CORALLO. Naw—G.

REGER. He's here—

CORALLO. All right, listen. Now, if they're ready to accept you—

REGER. Yeah?

CORALLO. You hear. This old guy is sending letters.

REGER. Who?

CORALLO. The old guy here.

REGER. Yeah?

CORALLO. He's sending letters that you're cut in half.

REGER. I know; I tri—

CORALLO. They're ready to accept you if one of them guys—let that guy there send a telegram over there to them to send it to the joint council in Jersey to have them wipe—that you're O. K.

REGER. Who? You want Hickey to send it, or George?

CORALLO. No; so let George send her.

REGER. Have him tell it that what?

CORALLO. Let George——

REGER. Yeah?

CORALLO. Call one of the guys from Washington.

REGER. Yeah.

CORALLO. Anybody.

REGER. We did that once bef——

CORALLO. No, no; now, now, now—they waited.

REGER. Well, what should Washington do?

CORALLO. Washington just sends the charter a telegram that you're O. K. into the joint council.

REGER. The New Jersey council.

CORALLO. That you're O. K.——

REGER. Yeah.

CORALLO. With your charter. That it ain't cut. Just say you're O. K. with your charter——

REGER. Hold on a half a second, huh? Will you hold on?

CORALLO. Yeah.

REGER. Where can I reach you in an hour?

CORALLO. Well, listen——

REGER. I'm going in and talk to Tom. George says he'll do it; get somebody in here to call Washington. He don't know if they'll do a thing like that.

CORALLO. All I—he don't know if they'll do it?

REGER. There's a question he could—look, this is a—first of all my charter has not been cut. What is happening is that Lacey is trying to cut my charter in half.

CORALLO. I know that.

REGER. Right. Now, my charter has not been touched by the international yet—they have not sent me any communication; they have not sent Hickey any; not sent Baldanzi any; there's not been any communication out that says my charter has been cut——

CORALLO. Well, listen——

REGER. Yeah.

CORALLO. They want to accept you; all they want is somebody to send a telegram from Washington to say that it's O. K.——

REGER. The last time the same thing happened. We sent one and after we sent one we were left holding the bag.

CORALLO. Well, this just happened now—now, th——

REGER. It happened the last time the same thing.

CORALLO. Could—could you——

REGER. I went to Washin—I went down there and had it sent the last time and after I had it sent the guy says to me, I know, what kind of——

CORALLO. Hello?

REGER. Hello.

CORALLO. Just send a letter—the telegram—to Larry McGinley.

REGER. That what?

CORALLO. From the joint council in Jersey.

REGER. Yeah; I know who Larry McGinley is——

CORALLO. All right; just let somebody from Washington send it to him that it's O. K.; that's all.

REGER. That what's O. K.?

CORALLO. That it's not cut; you know, that you—that it's O. K. for you to work.

REGER. I got my charter hanging right here. Of course, it's O. K.

CORALLO. No, look——

REGER. I also wa——

CORALLO. What you're saying. Hello. Don't say nothing about cut——

REGER. All right.

CORALLO. Just say, send a telegram that it's O. K. for you to work. You know—that's all. And here the tele——

REGER. Listen to—Tony, list for a minute, huh?

CORALLO. Wha——

REGER. I—I—I—I don't want to—I—I—I—I'm not bucking you on a question; I want to explain it to you. I got my charter hanging here, wh—and there's nothing been issued in any form whatsoever which says that my charter—How

about the eastern conference itself? If they notified the Jersey council we're not functioning in those States.

CORALLO. Well, who's the eastern conference?

REGER. The Eas—the New York Office of the eastern conference.

CORALLO. The New York of—well, you know the old b——ain't going to send a telegram.

REGER. Who? Hickey?

CORALLO. No.

REGER. Lacey?

CORALLO. Yeah.

REGER. I don't care about Lacey. He don't control the eastern conference; he's just a——

CORALLO. Wait a while; we don't want Hickey to send it.

REGER. What?

CORALLO. We want anybody in Washington to send it. Anybody.

REGER. Oh, anybody but Tom.

CORALLO. Yeah. Don't you understand?

REGER. Baldanzi?

CORALLO. Listen.

REGER. Yeah.

CORALLO. Tell Baldanzi to get Gibbons to send it and to get Einar Mohn to send it or get [inaudible] to send it—anyone, you hear?

REGER. Yeah.

CORALLO. Anyone. Just send a telegram that it's O. K. for you to work. You listening?

REGER. Anybody at all?

CORALLO. Anybody from there in Washington.

REGER. Remember now——

CORALLO. Anybody.

REGER. Right.

CORALLO. Anybody.

REGER. I'm stopping what I'm doing and I'm going to Washington.

CORALLO. Right now?

REGER. Yeah; right after our meeting tonight.

CORALLO. All right. Then he'll get a telegram tomorrow? Right?

REGER. Sure; I'm going to take care of it right now.

CORALLO (to side party). He's going right to Washington now.

CORALLO (to Reger). Wait a while.

REGER. If that ain't it, I ain't going.

CORALLO. Hello.

REGER. Hello.

CORALLO. Al?

REGER. Yeah.

CORALLO. And tomorrow morning at 11 o'clock——

REGER. Yeah.

CORALLO. You call the office. Ask for Tony, you know.

REGER. Yeah.

CORALLO. In Jersey.

REGER. Where?

CORALLO. Call right in the office; he's waiting for your call.

REGER. Who, Tone?

CORALLO. Tony.

REGER. In the Hoboken office?

CORALLO. Right.

REGER. O. K.

CORALLO. Listen——

REGER. Yeah?

CORALLO. When you call him just say: "Tony Lorenzo's calling."

REGER. Right.

CORALLO. Understand?

REGER. Right.

CORALLO. And tell him the telegram is out.

REGER. Right.

CORALLO. So he goes right in there.

REGER. It will be out by that time.

CORALLO. Yeah, it will be out. If you're going to leave tonight it will be there tomorrow.

REGER. All right, but I could get a hold of the guys. You wouldn't be able to hold them. O. K.

CORALLO. All right?

REGER. Right.

CORALLO. Call him tomorrow morning at 11 o'clock.

REGER. I'll get Jimmy from Detroit to send it.

CORALLO. Who?

REGER. [Laughter.]

CORALLO. You'll get Jimmy who?

REGER. Hoffa.

CORALLO. Well, get Jimmy Hoffa to send it.

REGER. O. K.

CORALLO. Call him up without even going.

REGER. That's right; the——

CORALLO. And listen——

REGER. Hello——

CORALLO. If Jimmy Hoffa don't do it—when you get Jimmy Hoffa on the phone——

REGER. Yeah.

CORALLO. Tell him—tell him that your calling—that Sam out there is a personal friend of yours.

REGER. Who's Sam? Why don't you call him?

CORALLO. Well, you do like I say—save me the trouble.

REGER. I—I—I——

CORALLO. In case he says, you know, starts to grumble; tell him where could I get Little Sam——

REGER. Yeah.

CORALLO. Sammy from Detroit.

REGER. But Sammy don't know me.

CORALLO. Sammy's a personal friend of his.

REGER. Of his?

CORALLO. Yeah.

REGER. But not of mine.

CORALLO. Yeah, he's a personal friend of mine, so——

REGER. Yeah, I know, but they'll first go finding out; it'll take a couple days.

CORALLO. All right, well, then don't bother. Talk to him direct—you know him well?

REGER. Right.

CORALLO. You know him well?

REGER. I know someone who knows him very well.

CORALLO. Well, look; Gibbons is the guy, too.

REGER. I know Harold, too.

CORALLO. That guy in the office will call him—to send the telegram. O. K.

REGER. I'll call the guy right now. Listen—I'll ask you a question.

CORALLO. What?

REGER. If Gibbons sends it—it is O. K.?

CORALLO. Yeah; if Gibbons sends it who else could send it. Would you want a better man than Gibbons to send it? What's——

REGER. I don't know; he's not the international office.

CORALLO. Send it—let Gibbons send it——

REGER. O. K.

CORALLO. The guy we talked about. Then call Tony up and tell him the telegram is there.

REGER. Right.

CORALLO. O. K.?

REGER. O. K. So long.

The CHAIRMAN. Well, Mr. Corallo, do you want to comment first?

Mr. CORALLO. I respectfully decline to answer on the grounds it may incriminate me.

The CHAIRMAN. It seems you know Mr. Jimmy Hoffa.

(The witness conferred with his counsel.)

The CHAIRMAN. Does this say you knew him?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Do you know Mr. Gibbons?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Do you know Mr. Reger?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. What was about to happen to that charter up there?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. What do you use these charters for?

Mr. CORALLO. I respectfully decline to answer on the grounds it may incriminate me.

The CHAIRMAN. Would you not like to make some statement about this telephone conversation?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Did you recognize your own voice?

Mr. CORALLO. I respectfully decline to answer on the grounds it might tend to incriminate me.

The CHAIRMAN. I find it an intriguing conversation. I thought maybe you could throw a little light on it and tell us what was going on.

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. You are not going to say anything about it?

(The witness conferred with his counsel.)

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. All right, Mr. Counsel.

Mr. KENNEDY. I might just say something about what we know.

The CHAIRMAN. Well, let us identify the voices, first.

TESTIMONY OF DETECTIVE NATALE LAURENDI—Resumed

The CHAIRMAN. Mr. Laurendi, did you hear the playing of this recorded telephone conversation?

Mr. LAURENDI. Yes, sir, I did.

The CHAIRMAN. You have before you a transcript of it?

Mr. LAURENDI. I do.

The CHAIRMAN. Is that transcript accurate?

Mr. LAURENDI. Yes, sir; it is.

The CHAIRMAN. Have you compared it with the recording?

Mr. LAURENDI. I have.

The CHAIRMAN. Did you compare the previous telephone recording transcript?

Mr. LAURENDI. Yes, sir; I did.

The CHAIRMAN. The previous telephone recording will be printed in the record at the point of the playing of the record.

This transcript of the recording will be placed in the record at the proper point.

Did you recognize any voices on that recording?

Mr. LAURENDI. Yes, sir; I did.

The CHAIRMAN. Whose voice did you recognize?

Mr. LAURENDI. I recognized the voice of Anthony Corallo and Al Reger.

The CHAIRMAN. Do you know Al Reger?

Mr. LAURENDI. Yes, sir; I do.

The CHAIRMAN. Do you know his voice?

Mr. LAURENDI. Yes, sir; I do.

The CHAIRMAN. Then you can say under oath that this telephone conversation, this recording, was a telephone conversation between the witness here, Mr. Corallo, and also the party of Mr. Reger, whose name appears on this transcript?

Mr. LAURENDI. That is correct, sir.

Senator CURTIS. Do you know what Al Reger's connection is with any union?

Mr. LAURENDI. Yes, sir. He was secretary-treasurer of local 522 of the International Brotherhood of Teamsters, and 2 months ago he was prosecuted by District Attorney Hogan and Assistant District Attorney Alvin Goldstein for the crime of extortion, for which he was convicted.

The CHAIRMAN. This telephone conversation, according to the transcript, took place on October 28, 1954, is that correct?

Mr. LAURENDI. Yes, sir; it was October 28, 1954.

(At this point, Senator Mundt entered the hearing room.)

The CHAIRMAN. Mr. Counsel, you may proceed.

Mr. KENNEDY. Mr. Chairman, we do not know what all of this means. We know that there was a charter in 522 that operated in both New Jersey and New York, and we know that it was contemplated in 1954 to split the charter into 2, 1 chapter for New York and 1 charter for New Jersey.

Evidently, the conversation is about steps that should be taken by Reger to prevent that from happening.

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. KENNEDY. The charter was not split at that time. The charter was split, we believe, in July of 1955, some 6 months later.

The conversation tends to show that Mr. Al Reger, who was the secretary-treasurer of local 522, was looking to Tony "Ducks" Corallo for his instructions as to how to handle this matter. It indicates the control that Tony "Ducks" had over this local.

I might identify some of the other individuals. G. B., we believe to be George Baldanzi. George Baldanzi at that time was international organizer of the teamsters and the eastern conference.

Tom Hickey is a vice president and was a vice president of the teamsters at that time and was one of those whom Corallo and Dio avoided and who was an enemy of Jimmy Hoffa, and was the one that opposed Jimmy Hoffa's efforts in the election for the control of joint council 16, New York City.

Gibbons is second in charge of the Central Conference of Teamsters, the one that is controlled by Jimmy Hoffa.

We would like to go on and show Mr. Corallo's control over local 875 of the teamsters.

We have a telephone call dated October 28, 1954. On the transcript it shows the date as being October 28, 1957. It should be October 28, 1954.

The call will show Corallo issuing orders to an official of the union with whom Corallo has no official connection.

On October 28, 1954, the date of this call, Nat Carmel, with whom Mr. Corallo was talking, was a vice president of local 875. He called Corallo at the Textile Union Local 229.

Mr. McDONOUGH. May the record indicate that counsel for the witness objects on the same grounds as previously stated?

Senator KENNEDY. The record will so indicate.

The objection is overruled.

(The transcript of telephone conversation between Tony "Ducks" Corallo and Nathan Carmel on October 28, 1954, is as follows:)

CORALLO. Hello.

CARMEL. Hello, Tony; how are you?

CORALLO. Hello.

CARMEL. Hello; how are you?

CORALLO. All right.

CARMEL. Good.

CORALLO. Listen——

CARMEL. What?

CORALLO. You work out with that Freddy Sutton; go after 'em guys and try to sign them. Give them any kind of contract they want.

CARMEL. Who, them five or everybody else?

CORALLO. No; stay away from them five, but hit everybody else.

CARMEL. But, but a—that other party called me this morning.

CORALLO. Who?

CARMEL. Johnny DeLury.

CORALLO. For what?

CARMEL. He wants me to make a meeting with—I have a meeting scheduled for 7:30 tonight with him and that Duke LaFonti. He requested it. It's very urgent.

CORALLO. He wants to speak to—with who?

CARMEL. That Duke LeFonti.

CORALLO. And you?

CARMEL. And me.

CORALLO. What does he want you for?

CARMEL. I don't know; so I figure I'm going to get sit down and just listen.

CORALLO. Just go there——

CARMEL. There'll be no commitments from——

CORALLO. Listen——

CARMEL. From me, y'know.

CORALLO. Well, you make no commitments; just go there and listen and go out in the street and get them people and bring them in your place.

CARMEL. All right——

CORALLO. And if they tell you you can't have them, you just go out and get them; tell them you already got a bushel and you're going to get the rest——

CARMEL. O. K.

CORALLO. The same like they got 'em.

CARMEL. All right.

CORALLO. O. K.?

CARMEL. Right.

CORALLO. So long.

CARMEL. O. K.

(Senator McClellan entered the hearing room.)

TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL, JOSEPH M. McDONOUGH—Resumed

The CHAIRMAN. Mr. Corallo, do you want to make any comment about this little conversation?

Mr. CORALLO. I respectfully decline to answer on the grounds it might tend to incriminate me.

The CHAIRMAN. Who is this fellow Carmel?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

(At this point, Senator McNamara entered the hearing room.)

The CHAIRMAN. Who is Freddy Sutton?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Who is Duke LaFonti?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Are they pals of yours?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

TESTIMONY OF DETECTIVE NATALE LAURENDI—Resumed

The CHAIRMAN. Let me ask you if you heard this recording played?

Mr. LAURENDI. Yes, sir; I have.

The CHAIRMAN. Have you a transcript of it?

Mr. LAURENDI. I do.

The CHAIRMAN. Have you compared the transcript with the recording?

Mr. LAURENDI. Yes, sir; I have.

The CHAIRMAN. Is it accurate?

Mr. LAURENDI. It is.

The CHAIRMAN. This conversation was held on what date?

Mr. LAURENDI. October 28, 1954.

The CHAIRMAN. October 28, 1954.

A transcript of this recording may be printed in the record.

Do you recognize the voices?

Mr. LAURENDI. Yes, sir. I recognize the voices of Anthony Corallo and Nathan Carmel.

The CHAIRMAN. Do you know Nathan Carmel?

Mr. LAURENDI. Yes, sir. He was arrested at the same time with five others of local 875 by New York City detectives attached to Hogan's office.

The CHAIRMAN. Was he convicted?

Mr. LAURENDI. Up to this time the charges are still pending. He is awaiting trial.

The CHAIRMAN. He is awaiting trial?

Mr. LAURENDI. Yes.

The CHAIRMAN. Are there any further questions of the witness?

Mr. LAURENDI. I beg your pardon, sir. He was convicted in 1957.

The CHAIRMAN. He was convicted for what?

Mr. LAURENDI. For extortion.

The CHAIRMAN. For extortion?

Mr. LAURENDI. Yes, and he pleaded guilty before coming to trial.

The CHAIRMAN. Was this in connection with labor?

Mr. LAURENDI. Yes, sir. It was in connection with local 875. At that same time, we arrested six officers of Local 875 of the IBT, and that case was handled by Chief Assistant District Attorney Alfred J. Scotti, Mr. J. Fitzpatrick, and Assistant D. A. Vincent Ferrari, who is now a magistrate in New York City.

The CHAIRMAN. All right.

Senator Curtis?

Senator CURTIS. Mr. Chairman, I would like to ask counsel if he knows what industry 875 of the teamsters union is connected with?

Mr. KENNEDY. With rugs, rug cleaning.

Senator CURTIS. The drivers for the rug cleaning industry?

Mr. KENNEDY. Well, it is generally connected with rug cleaning, I understand.

We have an identification of Mr. Carmel back here, a little background on him, Mr. Chairman.

I would like to point out also that Mr. Corallo had absolutely no official connection with 875 of the teamsters, and yet can see from this transcript that he was instructing Nat Carmel, a vice president,

You work out with that Freddy Sutton; go after 'em guys and try to sign them. Give them any kind of contract they want.

CARMEL. Who, them five or everybody else.

CORALLO. No, stay away from them five, but hit everybody else.

And then on page two:

CORALLO. Well, you make no commitments; just go there and listen and go out in the street and get them people and bring them in your place.

CARMEL. All right—

CORALLO. And if they tell you you can't have them, you just go out and get them; tell them you already got a bushel and you're going to get the rest—

**TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL,
JOSEPH M. McDONOUGH—Resumed**

Mr. KENNEDY. Would you tell us what all that means, Mr. Corallo?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Do you own these people?

Mr. CORALLO. I respectfully decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Do you often refer to people as being "a bushel of people"?

Mr. CORALLO. I respectfully decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Is it just a source of income for you? Is that the way you look for labor unions?

Mr. CORALLO. I respectfully decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. According to the information that we get from the one union alone, the one you are officially connected with, you get paid a salary more than \$20,000. Can you tell us what you do to deserve that?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. That is Local 239 of the International Brotherhood of Teamsters.

What do you receive from this local that you control, local 875?

Mr. CORALLO. I respectfully decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. I would like to point out from the chart, Mr. Chairman, that from 875 came one of the paper locals, namely local 275, that was used in this election up in New York, in the voting.

We have information that Mr. Corallo also controls 275 in the International Brotherhood of Teamsters. We have a call regarding that matter.

The CHAIRMAN. Do you want to deny the accuracy of that information?

Mr. CORALLO. I respectfully decline to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. If there is anything being said here, any testimony or statements being made that you think unfair to you or not truthful or not accurate, the Chair invites you to speak up.

Mr. CORALLO. I respectfully decline to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Chairman, this next call is a call between Milton Levine, who formerly served as an organizer for local 875, on which we just had the telephone call, and then became president of local 275, one of these so-called phony locals or paper locals, the charter of which was issued on November 8, 1955.

The call is between Levine and Dick Kaminetsky, Dick Kaminetsky being one of those who we understand and believe to be one of those working for Mr. Corallo.

Mr. Kaminetsky and Mr. Tramunti were two of Mr. Corallo's lieutenants.

This is a telephone call between Levine, president of local 275, and Mr. Kaminetsky, who, of course, had no official connection with local 275 of the teamsters.

Once, again, Mr. Chairman, this call comes from Local 229 of the Textile Workers Union. The call is handled from there.

Mr. McDONOUGH. My objection is still noted, I assume, Mr. Chairman.

My objection is still noted?

The CHAIRMAN. Just one moment.

Mr. McDONOUGH. I said my objection is still noted?

The CHAIRMAN. And still rejected.

Proceed.

(Transcript of telephone conversation between Milton Levine and Dick Kaminetsky on November 25, 1955, is as follows:)

MILTON LEVINE. Can I speak to Tony or Dick, please?

WOMAN'S VOICE. Who's calling, please?

LEVINE. Milton Levine.

WOMAN. Pardon?

LEVINE. Milton Levine.

WOMAN. Just a moment.

DICK KAMINETSKY. Hello.

LEVINE. Hello.

KAMINETSKY. Milt, how are you?

LEVINE. How are you?

KAMINETSKY. All right.

LEVINE. Listen, I—I'm down at 30th Street; I got—we got an office space available at Court Square, that's near—in 138's building there.

KAMINETSKY. Well, how do you like it?

LEVINE. It's a nice room, I mean, for what it is; it's a front window.

KAMINETSKY. That's all right; so take it.

LEVINE. I did, I mean, I gave the guy a tentative yes.

KAMINETSKY. Uh-huh.

LEVINE. So I just wanted to let you know.

KAMINETSKY. O. K.

LEVINE. Seventy-five or eighty dollars.

KAMINETSKY. You'll need something bigger than that, you know.

LEVINE. Well—look, that's what's available there now.

KAMINETSKY. All right; so take it.

LEVINE. Take it?

KAMINETSKY. All right.

LEVINE. I mean it's a—I—look, I wouldn't want to take it unless I told you.

KAMINETSKY. Yeah; take it. You need something to start with.

LEVINE. All right.

KAMINETSKY. And that'll give you a chance to look around.

LEVINE. Well, look; you gotta sign a lease with the guy for a year at least.

KAMINETSKY. All right. Do it.

LEVINE. Do it?

KAMINETSKY. Yeah.

LEVINE. If I can get away without it will you settle for thirty without it?

KAMINETSKY. You're better off.

LEVINE. I know you're better off. I didn't commit myself to the guy.

KAMINETSKY. Oh—yeah.

LEVINE. O. K.

KAMINETSKY. O. K.

LEVINE. Right.

KAMINETSKY. O. K.

The CHAIRMAN. Do you know Mr. Kaminetsky?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Do you know this man Levine?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Is Kaminetsky working for you?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Was Levine in charge of a local or an officer in a local at that time?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Were they talking about business that you are interested in?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

(At this point, Senator Kennedy withdrew from the hearing room.)

The CHAIRMAN. Are these some of your lieutenants, Levine and Kaminetsky?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. All right.

TESTIMONY OF DETECTIVE NATALE LAURENDI—Resumed

The CHAIRMAN. You have a transcript of this recording we just heard?

Mr. LAURENDI. Yes, sir; I have.

The CHAIRMAN. Have you checked it with the recording?

Mr. LAURENDI. Yes, sir; I did.

The CHAIRMAN. Is it accurate?

Mr. LAURENDI. It is.

The CHAIRMAN. This transcript may be printed in the record.

(Members present at this point in the proceeding: Senators McClellan, McNamara, Mundt, and Curtis.)

The CHAIRMAN. Do you recognize either of these voices?

Mr. LAURENDI. Yes, sir; I recognize both voices.

The CHAIRMAN. Who are they?

Mr. LAURENDI. Milton Levine and Dick Kaminetsky.

The CHAIRMAN. Who is Milton Levine?

Mr. LAURENDI. Milton Levine was 1 of the 6 persons that I previously mentioned. At the time of his arrest he was president of local 875.

Mr. KENNEDY. 275?

Mr. LAURENDI. At the time of his arrest, he was an organizer for 875.

The CHAIRMAN. This conversation was had when?

Mr. LAURENDI. November 25, 1955.

The CHAIRMAN. What position did Levine hold at that time?

Mr. LAURENDI. Levine? He was president of local 275.

The CHAIRMAN. Do you know Levine personally?

Mr. LAURENDI. I met him through official police duties at the time we arrested him on a warrant which was handed down by the grand jury of New York County.

The CHAIRMAN. Well, you met him?

Mr. LAURENDI. I met him; yes, sir.

The CHAIRMAN. You talked to him?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. Do you know this man Kaminetsky?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. Who is he?

Mr. LAURENDI. He is a lieutenant of Anthony Corallo.

The CHAIRMAN. How do you know that?

Mr. LAURENDI. From other wiretaps.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. No, Mr. Chairman.

I might just say there was a subsequent tap that was taken where Milton Levine called Mr. Kaminetsky back and said he wasn't going to take this headquarters, that he had found another one, and that he thought he would take that, and Kaminetsky gave his approval. He did take it and he identified it in the second tap. It is presently the headquarters of Local 275, International Brotherhood of Teamsters.

The CHAIRMAN. Do you have that tap?

Mr. KENNEDY. We do, but we don't have it transcribed.

The CHAIRMAN. You don't have it transcribed?

Mr. KENNEDY. No; we do not.

The CHAIRMAN. I believe it should be transcribed to properly connect it up. Have it transcribed and we will have the witness identify it and place it in the record.

Is there anything further?

Mr. KENNEDY. In identifying Kaminetsky, again, Mr. Chairman, we can find no legitimate source of income for him. He has a long criminal record dating back to 1931. He is on the chart there.

TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL, JOSEPH M. McDONOUGH—Resumed

The CHAIRMAN. Do you want to give us any information about Mr. Kaminetsky?

Mr. CORALLO. I respectfully decline to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. You don't want to give us any about Mr. Levine either?

Mr. CORALLO. I respectfully decline to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Proceed, counsel.

Mr. KENNEDY. Mr. Chairman, we have another tap dealing with Mr. Corallo and Mr. Kaminetsky, specifically a call between Kaminetsky and Paul Lafayette, who at that time, at the time of this call, December 30, 1954, was regional director in New York of the retail clerks international.

On December 30, 1954, this regional director of the retail clerks, Lafayette, calls Dick Kaminetsky and complains that local 405 has not paid its per capita tax for October or November, and to which Kaminetsky replies he will take care of the matter. Of course, at that time, Kaminetsky had no official connection with local 405 of the retail clerks.

The CHAIRMAN. Proceed with the recording.

Mr. McDONOUGH. My objection is still noted, Mr. Chairman?

The CHAIRMAN. Yes, sir; it is noted and rejected.

All right.

(Members of the select committee present at this point in the proceedings were: Senators McClellan, McNamara, Mundt, and Curtis.)

(The transcript of telephone conversation between Paul LaFayette and Dick Kaminetsky on December 30, 1954, is as follows:)

WOMAN'S VOICE. Dick, please.

MAN. Hello, who's calling?

WOMAN'S VOICE. Paul Lafayette.

DICK KAMINETSKY. How are you?

PAUL LAFAYETTE. How are you, Dick?

KAMINETSKY. O. K., how are you feeling?

LAFAYETTE. All right. Listen, Dick, on that 405.

KAMINETSKY. Yeah?

LAFAYETTE. Did Carmine say anything to you about that per capita?

KAMINETSKY. No.

LAFAYETTE. Well, they haven't paid any per capita for October or November—

KAMINETSKY. Oh, I'll get after—

LAFAYETTE. I'll have to lift the charter on 'em if they don't get it in.

KAMINETSKY. O. K., Paul.

LAFAYETTE. Now, I know that Manny spoke to me here a few weeks ago and told me that they had a strike—

KAMINETSKY. Yeah, they did have one—

LAFAYETTE. They might be a little late with them, but—, he hasn't even sent any October—

KAMINETSKY. O. K.; I'll take care of it—today I'll take care of it—

LAFAYETTE. All right—

KAMINETSKY. I'll get—

LAFAYETTE. Now look.

KAMINETSKY. Yeah?

LAFAYETTE. On—down there in Florida, you know, when you fellows were talking to me you told me you had somebody down there that would be able to head the organization that was—ah, local.

KAMINETSKY. Yeah.

LAFAYETTE. Well, now, the last time I was talking to Carmine he was talking about Miltie Richman going down there—

KAMINETSKY. Naw, that's—that's ridiculous.

LAFAYETTE. Huh?

KAMINETSKY. That's ridiculous; he has no part—no part of that picture—

LAFAYETTE. He hasn't?

KAMINETSKY. No.

LAFAYETTE. Well, then, Carmine must be confused, you know——

KAMINETSKY. He must be confused?

LAFAYETTE. That's right——

KAMINETSKY. Aw, he must be.

LAFAYETTE. Because that wouldn't be any good, because they already know that he was originally with us.

KAMINETSKY. Naw, that's no good——

LAFAYETTE. That would be no good at all.

KAMINETSKY. Naw; I wouldn't even think of it.

LAFAYETTE. All right.

KAMINETSKY. O. K.

LAFAYETTE. Now then, on this Rothman——

KAMINETSKY. Yeah?

LAFAYETTE. There's nothing I can do on that for him on that——

KAMINETSKY. All right.

LAFAYETTE. I mean I just want to tell you——

KAMINETSKY. O. K.

LAFAYETTE. The tieup over there and he won't make a change.

KAMINETSKY. All right.

LAFAYETTE. O. K.

KAMINETSKY. O. K. Take care, Paul.

The CHAIRMAN. All right, Mr. Corallo, do you know these voices that you heard?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Who is this fellow Lafayette?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. What does 405 refer to?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. You ask here about some other folks—Miltie Richman. Do you know him?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. He refers to Carmine. Who is Carmine?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. I would like to point out, Mr. Chairman, once again that Dick Kaminetsky is a man with a long criminal record. He is the one designated by Paul Lafayette to make sure that the dues payments are paid to the international from this local 405 of the retail clerks. I would like to also point out that 405 had as its secretary-treasurer Mr. Max Chester, who, of course, appeared here and testified before the committee.

The CHAIRMAN. I don't know that he testified.

Mr. KENNEDY. Well, he didn't give us very much information.

TESTIMONY OF DETECTIVE NATALE LAURENDI—Resumed

The CHAIRMAN. Will you identify this transcript of this testimony?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. You have examined it?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. And compared it with the recording?

Mr. LAURENDI. Yes, sir; I have.

The CHAIRMAN. Is it accurate?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. Then this transcript may be printed in the record. What is the date of this telephone conversation?

Mr. LAURENDI. December 30, 1954.

The CHAIRMAN. Did you recognize any voices?

Mr. LAURENDI. Yes, sir; I recognized both voices, Dick Kaminetsky and Mr. Paul Lafayette.

The CHAIRMAN. Do you know Paul Lafayette?

Mr. LAURENDI. I have met him in the office of Assistant District Attorney Harold Birns.

The CHAIRMAN. You met him on official business?

Mr. LAURENDI. On official business; yes, sir, in connection with the trial of Max Chester, Sam Goldstein, and Johnny Dioguardi, for bribery and conspiracy.

Mr. KENNEDY. I might point out once again, Mr. Chairman, that this telephone call as far as Kaminetsky was concerned was out of the headquarters of Local 229 of the United Textile Workers, Archie Katz' local.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. We have one more telephone call which is of significance in connection with local 875 of the teamsters, and which shows once again Mr. Corallo's complete control and domination of that local even though he had no official connection with it.

The CHAIRMAN. Are you ready?

Mr. McDONOUGH. Please note my objection again, Mr. Chairman, please.

The CHAIRMAN. The objection is noted and the objection is overruled.

Mr. KENNEDY. I might just state what this appears to show.

Joey Levine, one of Corallo's men, is placed in charge of the local over the heads of the elected officers. Joey Levine in this call is reporting the events, the fact that he has been put in charge of the local through Solly Cotliar, who is another associate of Tony Corallo's. All of the officers of this local all have been indicted and convicted for extortion.

The CHAIRMAN. All these parties?

Mr. KENNEDY. No. The officers of local 875, Berger, Kleinman, and Carmel; those three.

The CHAIRMAN. All right. Let's proceed with the recording.

(Transcript of telephone conversation between Solly Cotliar and Joey Levine on February 11, 1955, follows:)

SOPLY COTLIAR. Hello—Hello, Abie?

ABIE. Yeah.

COTLIAR. Joey there?

ABIE. Yes, sir.

JOEY LEVINE. This is Joe.

COTLIAR. All right; who's with you?

LEVINE. Ah, nobody; I'm downstairs.

COTLIAR. Oh, good. What's doing? What happened?

LEVINE. Well—all right. Everything's O. K.

COTLIAR. The way you want it?

LEVINE. Ah—a lot of pressure on them. You understand me or not?

COTLIAR. Are you on your own?

LEVINE. Yeah, definitely.

COTLIAR. That's what I meant.

LEVINE. I mean, ah, on top of that, ah, ah, the boss.

COTLIAR. You're the boss. Well——

LEVINE. Yeah——

COTLIAR. He told you that.

LEVINE. No, no ; I'm talking about other things.

COTLIAR. Yeah?

LEVINE. I gotta make them —eh, eh—jump.

COTLIAR. Yeah.

LEVINE. In plain English.

COTLIAR. Yeah ; but you were told you're boss.

LEVINE. Eh, that's not it, but I—the way he put it to them——

COTLIAR. Yeah.

LEVINE. "Get out and work or else."

COTLIAR. No kidding?

LEVINE. That's right.

COTLIAR. Boy, they must have died.

LEVINE. I want to tell you, he was white.

COTLIAR. Who? Jack—Aaron?

LEVINE. Yeah.

COTLIAR. Uhuh. S'all right.

LEVINE. Only, the minute I walk into the office a couple minutes I told the girl I want a record of all the delinquents.

COTLIAR. Right.

LEVINE. There's no right for any shops to be behind January—forget about February—I'm not talking about February ; I'm talking about January, and, ah—especially December.

COTLIAR. Uhuh.

LEVINE. No. 2—I gotta give 'em a written report every week.

COTLIAR. Uhuh.

LEVINE. Whatever comes in and whatever goes out. He opened up his mouth about you.

COTLIAR. Who did?

LEVINE. About——

COTLIAR. Twenty?

LEVINE. Yeah.

COTLIAR. Aaron?

LEVINE. Yeah.

COTLIAR. Jack?

LEVINE. Yeah.

COTLIAR. So what did he—what was up?

LEVINE. Tony says, "Look, everything stands the way it is. I want—I want Jack to get a raise. I want everybody to get a raise, and I want this organization to be the biggest——"

COTLIAR. Yeah.

LEVINE. "And that's why I'm putting Joey in there now and I want youse all to jump."

COTLIAR. What was he told about the 20?

LEVINE. That, ah—it's an extra knock.

COTLIAR. Yes, so what did he say?

LEVINE. He says, "It stays that way——"

COTLIAR. Oh?

LEVINE. "I want to see what happens the next 4 or 5 weeks and I want to see you guys with members."

COTLIAR. Uh-huh. They must have died.

LEVINE. Yeah.

COTLIAR. Good. I told you, you're boss. You take care.

LEVINE. Ye-ye-yeah. And, believe me, I'm in the stage where I'll have to do 1 or 2 things ; either they do it or else I'll chase them.

COTLIAR. That's all. It's simple. They don't want you running around. He told you.

LEVINE. Well, I'm going out tomorrow morning ; I got a shop with 2 people, 3 people——

COTLIAR. Take it easy, though. Don't—don't hurt yourself.

LEVINE. I gotta have the pickets out there and I gotta be out on Long Island, so what's the difference? I arranged for the—for four pickets for tomorrow.

COTLIAR. Good.

LEVINE. In other words, ah, if, ah—I had a couple dollars, it's going tomorrow.

- COTLIAR. Look, you got to—you know what it'll bring back.
- LEVINE. Eh—uh, I know what——
- COTLIAR. So, what can you do? I mean——
- LEVINE. No; I want you to understand a——
- COTLIAR. You mean about no pay?
- LEVINE. Yeah.
- COTLIAR. Well, so what? So what—so it'll be next week.
- LEVINE. I figured on——
- COTLIAR. As ah—I told you; look, with me they'll be no problem.
- LEVINE. All right, Solly.
- COTLIAR. Take it easy.
- LEVINE. I'll keep in touch with you at your house, in case I need you.
- COTLIAR. Right.
- LEVINE. All right.
- COTLIAR. O. K., but he told them that stays, eh?
- LEVINE. Oh, yeah.
- COTLIAR. Did he say it emphatic?
- LEVINE. Definitely.
- COTLIAR. Yeah; huh?
- LEVINE. Yeah. I want to tell you something. Ah—sometimes its very good.
- [Unintelligible.]
- COTLIAR. Yeah.
- LEVINE. [Unintelligible.]
- COTLIAR. Yeah.
- LEVINE. He really give it to them.
- COTLIAR. Yeah?
- LEVINE. Yeah, and he says, "I'm not leaving any inferences; don't tell me anything; I don't—don't give me any excuses; I don't listen to nobody. I want you to prove."
- COTLIAR. Yeah?
- LEVINE. "From now on, I want you to prove; that's why I'm putting Joey in——"
- COTLIAR. Well, I mean—tell me exact, because when I go up there with Dick, I'm going to find out, so I want to know just what's what——
- LEVINE. Uhh——
- COTLIAR. Exactly the way you told them to me?
- LEVINE. That's right.
- COTLIAR. Yeah?
- LEVINE. Yeah.
- COTLIAR. Good; don't embellish it in any way.
- LEVINE. No, sir——
- COTLIAR. But he told that stays, huh?
- LEVINE. Yeah.
- COTLIAR. And no questions?
- LEVINE. No questions; no nothing. Everything that's sai—ah—so he's squawking about he owes a bill here. He—ah—so he ah—Tony says to me, "All right." This is what he said: "He owes out \$650. All right; that'll be paid——"
- COTLIAR. Yeah.
- LEVINE. "But if it's paid, I want to know where it's going and to who it's going."
- COTLIAR. Yeah.
- LEVINE. Because any check that goes out, I have to go tomor—Mon—Monday and change the checks.
- COTLIAR. Uhuh. Change 'em?
- LEVINE. Yeah. Change the signatures.
- COTLIAR. Heh?
- LEVINE. Change the signatures.
- COTLIAR. You mean just you and Aaron?
- LEVINE. Yeah.
- COTLIAR. Uhuh.
- LEVINE. So no money goes out unless——
- COTLIAR. But you're on your own; everything goes in there is yours.
- LEVINE. Yeah.
- COTLIAR. Right?
- LEVINE. Yeah.
- COTLIAR. And as the time comes—the way we decided?

LEVINE. Of that, he didn't say nothing, and I think it was very smart.

COTLIAR. What was that?

LEVINE. That, he didn't bring that up at all.

COTLIAR. About you on your own?

LEVINE. Yeah.

COTLIAR. Why?

LEVINE. In other words, ah—he didn't bring that up at all.

COTLIAR. In other words, you're the boss.

LEVINE. That's right.

COTLIAR. Uhuh.

LEVINE. You understand what I mean?

COTLAIR. Yeah; good.

LEVINE. So, there's no discussion—

COTLAIR. No dissension; no discussion.

LEVINE. If I want to walk out tomorrow, I got 400 members. I'm the boss.

COTLAIR. I get it.

LEVINE. See; I mean—ah—he covered everyth—a multitude of sins.

COTLAIR. Perfect.

LEVINE. [Unintelligible.]

COTLAIR. Take care.

LEVINE. O. K.

COTLAIR. And call me.

LEVINE. I will.

COTLAIR. So long.

LEVINE. So long.

TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL, JOSEPH M. McDONOUGH—Resumed

The CHAIRMAN. Mr. Corallo, do you know Mr. Cotliar?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Do you know Mr. Levine?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Is this one of your operations?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Who is Aaron?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Does he work for you?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Did you recognize the voices in this telephone conversation?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. There is some conversation in here about owning 400 members of a union. Do you have any knowledge about that?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

(At this point Senator Curtis withdrew from the hearing room.)

The CHAIRMAN. Is it within your knowledge that these labor racketeers treat union members as chattels, just goods and property to be used any way they want to?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Have you had any experience along that line?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Are there any further questions?

TESTIMONY OF DETECTIVE NATALE LAURENDI—Resumed

The CHAIRMAN. Did you hear this recording?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. Have you compared the transcript with recording?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. Is the transcript accurate?

Mr. LAURENDI. It is.

The CHAIRMAN. The transcript of the recording may be printed in the record. What is the date of this conversation?

Mr. LAURENDI. February 11, 1955.

The CHAIRMAN. Do you have any information about Joey Levine and a man named Cotliar that engaged in this conversation?

Mr. LAURENDI. No, sir, I do not, except that I have been informed that Solly Cotliar has disappeared.

The CHAIRMAN. By accident or otherwise?

Mr. LAURENDI. I could not say.

Mr. KENNEDY. He is one of those, Mr. Chairman, that we have been trying to find for a period of some time and we cannot locate him.

TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL, JOSEPH M. McDONOUGH—Resumed

(Members of the select committee present at this point are Senators McClellan, McNamara and Mundt.)

The CHAIRMAN. Do you want to make any comment at all about any of these conversations?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. You will agree we are giving you a very fair opportunity, will you not?

Mr. CORALLO. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. You tell me how I can be more fair to you to give you an opportunity?

Mr. CORALLO. I respectfully decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. I want to point out several matters in this conversation.

It was originally a conversation had between Mr. Tony "Ducks" Corallo and the officers of the local of 875. Jack would be Jack Berger, Jack Berger being the president of the local.

Aaron would be Aaron Kleinman. Drawing your attention to page 2, where Joey Levine is describing the fact that he has been put in charge of the union and the conversation that Tony "Ducks" had with these officers, he describes what Tony said.

LEVINE. Get out and work or else.

COTLIAR. No kidding?

LEVINE. That's right.

COTLIAR. Boy, they must have died.

LEVINE. I want to tell you, he was white.

COTLIAR. Who? Jack—Aaron?

LEVINE. Yeah.

Meaning Jack Berger, president of the local and Aaron Kleinman, who is secretary-treasurer of this local.

This is, again, a local which Mr. Tony "Ducks" Corallo has no official connection with.

On page 3 it says:

LEVINE. Tony says, "Look, everything stands the way it is. I want—I want Jack to get a raise. I want everybody to get a raise and I want this organization to be the biggest—"

We have examined the records of this local, Mr. Chairman, and find that shortly after this conversation, all of the officers of the local did get raises.

Over here on page 6, we notice that Mr. "Ducks" says that he is going to take care of the bills of the local.

He says, "That'll be paid." Then he says on page 7 that the signatures on the checks will be changed, and that Joey is to go down and change the signatures on the checks.

We have here the checks dated January of 1955, which have certain signatures, and then we have checks here of that local dated March 25, 1955, and we find a change in the signatures.

Mr. McDONOUGH. In fairness to the witness, might it be noted that the conversation or the alleged conversation, the name "Tony" is only referred to twice.

"Anthony" is a great Italian name and probably in the city of New York there may be one hundred to five hundred thousand people with the surname of Anthony."

The CHAIRMAN. Just a moment.

Mr. McDONOUGH. I mean in fairness.

The CHAIRMAN. Yes, in fairness, that could be correct. I will ask Mr. Corallo if we are mistaken about it.

(The witness conferred with his counsel.)

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. We know, Mr. Chairman, and could establish if necessary, a very close relationship between Mr. Joey Levine and Mr. Tony Corallo. There is no question that the Tony that is referred to in this conversation is Mr. Tony Corallo.

The CHAIRMAN. The Chair wishes to ask with respect to these checks, what member of our staff procured them and can verify them?

Mr. KENNEDY. Mr. Walter May.

(Members present at this point: Senators McClellan, McNamara, and Mundt.)

Mr. KENNEDY. Mr. May can also identify Mr. Levine's voice.

TESTIMONY OF WALTER R. MAY

The CHAIRMAN. Have you been previously sworn in this hearing?

Mr. MAY. Yes, sir.

The CHAIRMAN. You will remain under the same oath.

You are a member of the staff of this committee?

Mr. MAY. I am.

The CHAIRMAN. I hand you a series of four photostatic copies of checks on Local 875, IBT-AFL. All of these are dated in January 1955.

I will ask you to examine these photostatic copies of the four checks and state if you procured them and where and how as a staff member of this committee.

(Documents handed to witness.)

Mr. MAY. Yes, Senator. I have seen the originals of these checks. The records of 875 were subpoenaed by District Attorney Frank Hogan's office in New York. I went to the district attorney's office and reviewed the records of 875. These particular checks are photostatic copies of the originals.

The CHAIRMAN. That series of checks, then, may be made exhibit No. 120 A, B, C and D.

(The documents referred to were marked "Exhibit No. 120 A, B, C and D," for reference and will be found in the appendix on p. 4878-4881.)

The CHAIRMAN. Will you state for the record who signed those checks as officers of local 875?

Mr. MAY. Yes, sir. These particular checks dated in January 1955 are signed by Nathan Carmel, the vice president, and Jack Berger, as president.

The CHAIRMAN. They were signed by officers of the local?

Mr. MAY. Yes, sir.

The CHAIRMAN. The telephone conversation recording that we just heard was dated February 11, 1955.

I will first ask you: Did you hear that recording played?

Mr. MAY. Yes, I did, sir.

The CHAIRMAN. Are there any voices in there that you recognize?

Mr. MAY. Yes, sir. I recognize the voice of Joseph Levine.

The CHAIRMAN. You recognize his voice?

Mr. MAY. I have interviewed Mr. Levine and I can identify his voice.

The CHAIRMAN. Thank you very much.

Now I hand you another series of photostatic copies of checks, six, I believe, in number, altogether, on the same local, 875, IBT-AFL, and I ask you to examine these photostatic copies and say if you recognize them, and, if so, how you procured them.

(Documents handed to witness.)

Mr. MAY. Yes, Senator. These were obtained in a similar manner from the original records which were in the possession of District Attorney Frank Hogan. These checks are signed by—

The CHAIRMAN. What are the dates? What month?

Mr. MAY. March 1955, after the conversation.

The CHAIRMAN. The other series of checks that you identified were in January 1955?

Mr. MAY. And five in number; yes, sir.

The CHAIRMAN. The telephone conversation took place on the 11th of February?

Mr. MAY. Yes, sir.

The CHAIRMAN. What do those checks reflect that had occurred between January and March, the date they were issued?

Mr. MAY. These particular checks carry the signature of Aaron Kleinman and Joseph P. Levine.

The CHAIRMAN. Levine is one of those who participated in the telephone conversation?

Mr. MAY. Yes, sir.

The CHAIRMAN. And he is the one that had been put in charge, according to the telephone conversation?

Mr. MAY. Yes, Senator. It is interesting to note that Joseph Levine was carried on the records of local 875 as an organizer, and here in March 1955 Levine is signing the checks, the payroll checks, of Jack Berger, who was president of the local at that time.

The CHAIRMAN. In other words, the fellow that moved in took over and even signed the checks of the president?

Mr. MAY. Yes, sir.

The CHAIRMAN. Did he sign them as an officer? Is that series of checks signed by anybody as an officer of the local?

Mr. MAY. It just carries a simple signature stamp.

The CHAIRMAN. It does not identify their relationship to the union?

Mr. MAY. No, sir.

The CHAIRMAN. The other series of checks did; did they not?

Mr. MAY. Yes, sir.

The CHAIRMAN. Who are identified as the signers of the other checks?

Mr. MAY. Nathan Carmel, vice president, and Jack Berger, president.

The CHAIRMAN. The change was made, and in March there were two signatures on the checks, but none representing any official of the union?

Mr. MAY. That is right, Senator.

The CHAIRMAN. This last series of checks will be made exhibit 121.

(The document referred to was marked "Exhibit 121," for reference and will be found in the appendix on p. 4882-4887.)

The CHAIRMAN. Are there any further questions?

Is there anything else, Mr. Counsel?

(Members present at this point: Senators McClellan, McNamara, and Mundt.)

TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL, JOSEPH M. McDONOUGH—Resumed

The CHAIRMAN. Mr. Corallo, can you give us any information about that arrangement down there?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. It seems like if you gave those orders, you would agree that they were carried out pretty well.

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. Once, again, on the question of identifying who is Tony in that call, Mr. Chairman, I would like to remind you of the earlier call in connection with 875, where Mr. Tony "Ducks" gives orders to the secretary-treasurer, I believe, of the union, to send out certain pickets, and to release certain shops, and to picket other shops.

The CHAIRMAN. Would you tell us how long you have owned and controlled that local?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. We will have testimony regarding the relationship between the president of the 995 and Sam Goldstein, who is also president of 239, and Mr. Tony "Ducks" and also the interest that Mr. Tony "Ducks" Corallo had in the election for the presidency of joint council 16.

But that will take some time, Mr. Chairman. I do not think we could finish it this morning.

The CHAIRMAN. The committee will stand in recess until 2 o'clock.

Before adjournment, the Chair will have made an exhibit a mimeographed copy of the charts that have been exhibited.

It will be made exhibit 122, for reference.

(The documents referred to were marked "Exhibit 122," for reference and may be found in the files of the select committee.)

The CHAIRMAN. The committee will now recess until 2 o'clock this afternoon.

The witness will return at that time.

(Whereupon, at 12:15 p. m., the committee recessed, to reconvene at 2 p. m., the same day.)

(Members present at the taking of the recess: Senators McClellan, McNamara, and Mundt.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the select committee present at the convening of the session were Senators McClellan and Ives.)

The CHAIRMAN. Mr. Corallo, the witness on the stand at noon will stand by, and he will be recalled later.

The next witness is Sam Goldstein.

Will you come around, Mr. Goldstein? Will you be sworn?

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GOLDSTEIN. I do.

TESTIMONY OF SAM GOLDSTEIN, ACCOMPANIED BY HIS COUNSEL, MICHAEL P. DIRENZO

The CHAIRMAN. State your name, your place of residence, and your business or occupation, please, sir.

Mr. GOLDSTEIN. Sam Goldstein, 157 Mary Lane, Long Island, N. Y.

The CHAIRMAN. I didn't understand your business or occupation.

Mr. GOLDSTEIN. Sir, I decline to answer on the grounds that it might tend to incriminate me.

The CHAIRMAN. You have a lawyer?

Mr. GOLDSTEIN. I do, sir.

The CHAIRMAN. That is probably the only answer we are going to get. The lawyer may identify himself for the record.

Mr. DIRENZO. Michael P. Drenzo, 253 Broadway, New York City.

The CHAIRMAN. You are a member of the New York bar?

Mr. DIRENZO. That is correct, sir.

The CHAIRMAN. All right, Mr. Counsel, proceed.

Mr. KENNEDY. Mr. Chairman, according to the information we have, Mr. Goldstein is a close associate of Tony "Ducks" Corallo. Is that right?

Mr. GOLDSTEIN. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. You have a little peculiar situation here, don't you agree, where each of you say it will incriminate you to tell about the other?

Mr. GOLDSTEIN. Sir, I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. I see. Proceed.

Mr. KENNEDY. According to the information that we have, Mr. Goldstein was president of Local 995 of the UAW-AFL, and also president of local 239 of the teamsters.

The CHAIRMAN. Is that correct?

Mr. GOLDSTEIN. Sir, I decline to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. Since when does it become an incriminating circumstance to be president of a labor organization?

Mr. GOLDSTEIN. Sir, I decline to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. I just wondered if we could fix a time. It is a kind of a strange circumstance that has developed here in the course of these hearings, and I wonder when it placed anyone in disrepute to be a member of a labor organization or the president of one of its locals. Could you give us any help on that?

Mr. GOLDSTEIN. Sir, I respectfully decline on the ground that it may tend to incriminate me.

The CHAIRMAN. You will agree with me, won't you, that it only applies to certain locals and certain people?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. You wouldn't want to give the impression that all unions, and all officials of unions, find themselves in such circumstance, would you?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. Do you feel that you owe any obligation at all to honest unionism?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

(At this point Senator Kennedy entered the hearing room.)

The CHAIRMAN. All right; Mr. Counsel, proceed.

Mr. KENNEDY. Mr. Chairman, although Mr. Goldstein is listed as president of these two locals, 995 UAW-AFL, and 239 of the teamsters, we understand Mr. Tony "Ducks" Corallo is listed as vice president, was actually the one giving the instructions. Did you take your instructions from Mr. Corallo?

Mr. GOLDSTEIN. Sir, I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Does he know you?

Mr. GOLDSTEIN. Senator, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Have you ever been associated with him in any legitimate enterprise?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. If that might incriminate you, then we may assume that it would incriminate you to answer whether you have been associated with him in any illegitimate enterprise, could we?

Mr. GOLDSTEIN. Senator, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. All right; Mr. Counsel, proceed.

Mr. KENNEDY. According to the information that we have, you were born on November 27, 1915; is that correct?

Mr. GOLDSTEIN. That is correct.

Mr. KENNEDY. And that you are married and you have an arrest record consisting of unlawful entry, possessing gambling equipment, and operating a gambling establishment on which you were convicted; possessing gambling equipment, conviction, and bribery on which you were just convicted together with Max Chester and Johnny Dio; and that you are presently under indictment with Philip Goldberg, the recording secretary of local 239, for extortion. That case is presently pending; is that correct?

Mr. GOLDSTEIN. Sir, I decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Does that summarize your record correctly?

Mr. GOLDSTEIN. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Maybe the witness would rather give his own record in his own language. Would you?

Mr. GOLDSTEIN. Senator, I respectfully decline to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. You are married, are you not?

Mr. GOLDSTEIN. Yes; I am.

The CHAIRMAN. Thank you. Proceed.

Mr. KENNEDY. We understand, also, that Mr. Goldstein was president of local 239 of the teamsters and Local 995 of the UAW-AFL, at the same period of time, for a period of 2 years, from 1954 through 1956. Is that correct; that you were president of both locals at the same time?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. We also have information that, in October of 1956, you received a loan of \$20,000 from local 239 on a non-interest-bearing note; is that correct?

(The witness conferred with his counsel.)

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Did you ever pay the loan back?

(The witness conferred with his counsel.)

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Did your union members know you borrowed that money?

(The witness conferred with his counsel.)

Mr. GOLDSTEIN. Senator, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Did you borrow it or did you just take it without authority?

Mr. GOLDSTEIN. Senator, I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Would you tell us what became of that money?

Mr. GOLDSTEIN. Senator, I respectfully decline to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. Did you use it to set up a gambling joint?

Mr. GOLDSTEIN. Senator, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Did you invest it illegally in narcotic drugs?

Mr. GOLDSTEIN. Senator, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Has the union ever gotten its money back?

(The witness conferred with his counsel.)

Mr. GOLDSTEIN. Senator, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Then the union members, the people who work and pay the dues, are left to guess and speculate and I think that they could speculate pretty accurately, as to whether you ever paid it back. Is that the way you want to leave it?

(The witness conferred with his counsel.)

Mr. GOLDSTEIN. Senator, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Proceed, Mr. Counsel.

Senator KENNEDY. I understand your salary at that time was \$250 per week, or \$13,000 per year, at the time you received this \$26,000 interest-free loan.

Mr. GOLDSTEIN. I respectfully decline to answer on the ground it may tend to incriminate me.

Senator KENNEDY. Now, I understand that on January 4, 1957, your salary was increased to \$340 a week and \$60 expenses, making a total of \$400 per week, or \$20,800 per year; is that correct?

Mr. GOLDSTEIN. Again, I respectfully decline to answer on the ground it may tend to incriminate me.

Senator KENNEDY. Is it possible or does the staff have the minutes where the salary increases were voted?

Mr. KENNEDY. We interviewed the secretary-treasurer, Mr. Bernard Stein, about the salary increases and the salary increase that went to both Mr. Goldstein and Mr. Corallo, up to \$20,000 and he said that it was never approved and it was not necessary to approve, that the officers determined their own salary.

Senator KENNEDY. Without having a vote of the members, and they increased their salaries without a vote of the members.

Mr. KENNEDY. That is the statement that he made to us when we interviewed him and asked him for the minutes in connection with the increase in salaries.

Senator KENNEDY. I understand the \$20,000 was to be repaid back at the rate of \$80 a week.

Now, your salary increase from 1956 to 1957 provided an increase of \$150 per week, which would cover the repayment of your loan, plus

the extra taxes on your additional income, which meant that you received the money from the union to pay back the \$20,000.

Therefore, you received \$20,000 free and clear from the union without a vote of the members; is that a correct statement?

Mr. GOLDSTEIN. Senator, I respectfully decline to answer on the ground it may tend to incriminate me.

Senator KENNEDY. To put this concisely, in 1956 you received \$250 a week. You received a \$20,000 interest-free loan. In 1957 your salary was raised to \$400 a week and it was provided that the loan would be paid back at the rate of \$80 a week.

Therefore, the increase in your salary which was made without going to the members for their agreement, would have given you not only your usual salary, but sufficient funds to repay the loan and the taxes and would have resulted instead of your paying back to the union the \$20,000 you owed them, in your receiving \$20,000 free and clear.

This was never put to the members for their consent, the 2,700 members of local 239?

The CHAIRMAN. Do you wish to comment on it?

(The witness conferred with his counsel.)

Mr. GOLDSTEIN. Sir; is that a question or a statement?

The CHAIRMAN. We will make it a question.

Senator KENNEDY. Is that a fact?

Mr. GOLDSTEIN. I respectfully decline to answer on the ground it may tend to incriminate me.

Senator KENNEDY. As I understand it, you are now under indictment awaiting sentence.

Mr. KENNEDY. He has been convicted together with Max Chester and Johnny Dioguardi. He is in jail awaiting sentence.

Senator KENNEDY. In what way is it going to be possible for you to pay back the \$20,000 that you owe to the union members? Have you made any plans for that?

Mr. GOLDSTEIN. Senator Kennedy, I respectfully decline to answer on the ground it may tend to incriminate me.

Senator KENNEDY. Is your salary continuing at the present time from the union?

Mr. GOLDSTEIN. Senator Kennedy, I respectfully decline to answer on the ground it may tend to incriminate me.

Senator KENNEDY. Have you given a report to the members of your local as to whether you are going to receive a salary while you are in jail from them?

Mr. GOLDSTEIN. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Well, if you will not say whether the members knew about your loan and approved it, may I ask you if "Ducks" Corallo knew about it and approved it?

Mr. GOLDSTEIN. Senator McClellan, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. How about Johnny Dio, do you know him?

Mr. GOLDSTEIN. Senator McClellan, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Did you take orders from him?

Mr. GOLDSTEIN. Senator McClellan, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Are you under apprehension or fear of Johnny Dio and "Ducks" Corallo? Is that why you will not testify?

(The witness conferred with his counsel.)

Mr. GOLDSTEIN. Senator McClellan, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Chairman, according to the information that we have, Mr. Goldstein played a very prominent role in the attempt to swing the election to Mr. John O'Rourke during the period of November of 1955, and the first few months of 1956; is that correct Mr. Goldstein?

Mr. GOLDSTEIN. Sir; I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And that in those negotiations, and in the work that you did, you were representing Tony Ducks.

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And you also acted in the capacity of an intermediary between Tony Ducks and Johnny Dio in connection with that election?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And during this same period of time, is it true that you had some conversations with certain teamster officials regarding Mickey Finn of the UAW-CIO?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Do you know Mr. Mickey Finn of the UAW-CIO?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Did you have any conversations in November of 1955 with Mr. Harold Gibbons, about moving Mickey Finn of the UAW-CIO to the teamsters?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Who is Harold Gibbons?

Mr. GOLDSTEIN. Senator McClellan, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Would you take the same position if I asked you who Mickey Finn was?

Mr. GOLDSTEIN. Senator McClellan, I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Is it not true, also, that during the same period of time that you were talking to Mr. Gibbons about this, that Mr. Hoffa was attempting to get Mickey Finn, or was carrying on discussion with Mr. Harold Gibbons to get Mickey Finn a charter?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Was there any movement underway that you participated in about bringing in some of the other UAW-CIO members in the New York area into the teamsters union?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. And were these conversations all carried on at the same time that the conversations regarding the control of the presidency of joint council 16 was carried on.

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Did you have a conversation with Mr. Corallo in February of 1955, regarding the per capita dues payments that would have to be paid by local 239 to the joint council?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Did you report to Mr. Corallo that you had a conversation with Mr. Lacey and you were able to lower the per capita dues payments from \$2,500 to about \$175?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And during 1955, November and December of 1955, and January of 1956, did you have frequent conversations with Mr. Corallo and Mr. Johnny Dio regarding the control of the joint council of teamsters in New York City?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And did you not make certain efforts yourself to have John O'Rourke elected as president of joint council 16?

Mr. GOLDSTEIN. Sir, I respectfully decline to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. Did you regard him as such a bad fellow that if you made the admission that you tried to help elect him or did help elect him president of the joint council that that would incriminate you?

Are you implying that?

Mr. GOLDSTEIN. Senator McClellan, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. If you cannot explain it, it is just left in such inferences as one wants to draw from it, I suppose, do you not?

Mr. GOLDSTEIN. Senator McClellan, I must respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, I would like to have Mr. Corallo return to the witness stand together with Mr. Goldstein.

The CHAIRMAN. Come around, Mr. Corallo.

TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL, JOSEPH M. McDONOUGH; AND SAM GOLDSTEIN, ACCOMPANIED BY HIS COUNSEL, MICHAEL P. DIRENZO—Resumed

The CHAIRMAN. All right, Mr. Corallo, you were sworn this morning.

Proceed Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, we have a call that I would like to play, the transcription of which was made prior to the time that this committee began its investigation, and it was made in accordance with a court order, and we have received a court order from the State of New York allowing this committee permission to use these calls.

The CHAIRMAN. The court order the Chair now has before him will be placed in the record at this point.

(The court order is as follows:)

COURT OF GENERAL SESSIONS, COUNTY OF NEW YORK

IN THE MATTER OF INTERCEPTING TELEPHONIC COMMUNICATIONS TRANSMITTED
OVER PENNSYLVANIA 6-3843

It appearing from the affidavit of Alfred J. Scotti, Chief Assistant District Attorney of the County of New York, sworn to on May 1, 1957, that it is in the public interest to furnish to the United States Senate Select Committee on Improper Activities in the Labor or Management Field, of which the Honorable John L. McClellan of Arkansas is Chairman, and Robert F. Kennedy is Chief Counsel, certain transcripts and information with respect to the interception of telephonic communications during the period November 28, 1955, to May 27, 1956, which were transmitted over the telephone instrument designated as PENNSYLVANIA 6-3843, listed in the name of International Brotherhood of Teamsters, Local 239, A. F. of L., located in Room 205, Hotel Martinique, 49 West 32nd Street, City and County of New York, for the use of said committee in connection with and in the course of its said investigation, it is

Ordered, That the District Attorney of New York County be, and he hereby is, authorized and empowered, to furnish said committee with the transcripts and information with respect to the interception of telephonic communications transmitted over the above-identified telephone instrument during the period set forth hereinabove, for the use of said committee in connection with and in the course of its said investigation.

(Signed) JOHN A. MULLEN, J. C. G. S.

Dated, NEW YORK, N. Y., July 27, 1957.

COURT OF GENERAL SESSIONS, COUNTY OF NEW YORK

IN THE MATTER OF INTERCEPTING TELEPHONIC COMMUNICATIONS TRANSMITTED
OVER PENNSYLVANIA 6-3843.

STATE OF NEW YORK,

County of New York, ss:

Alfred J. Scotti, being duly sworn, deposes and says:

I am the Chief Assistant District Attorney in and for the County of New York and in charge of the Rackets Bureau of the District Attorney's Office.

This is an application for an order permitting the District Attorney of New York County to furnish to the United States Senate Select Committee on Improper Activities in the Labor or Management Field, of which the Honorable John L. McClellan of Arkansas is Chairman, and Robert F. Kennedy is Chief Counsel, certain transcripts and information with respect to the interception of telephonic communications transmitted over PENNSYLVANIA 6-3843, listed in the name of International Brotherhood of Teamsters, Local 239 of the A. F. of L., located in Room 205, Hotel Martinique, 49 West 32nd Street, City and County of New York, during the period hereinbelow set forth.

On January 30, 1957, the Senate of the United States duly adopted a resolution by which the said committee was authorized to investigate improper activities in the labor or management field, with the purpose of obtaining information upon which the United States Senate could consider the advisability of adopting new legislation or modifying or amending present statutes.

The said committee thereafter conducted both public and private hearings with this end in view, and has subpoenaed and interrogated numerous witnesses from various localities and States of the United States.

The committee is now planning to extend its investigation to the area of New York State and in this connection has issued, or contemplates the issuance of, a subpoena to Samuel Goldstein, to Bernard Stein, and to Antonio Corallo, all of whom are known to be officials and representatives of the said Local 239, for interrogation in connection with said investigation.

In August 1956, and again subsequent to January 30, 1957, the date the said resolution above referred to was adopted, said Chief Counsel of said committee requested that this office furnish him, for the use of the said committee, all transcripts and information reflecting the interception of all telephonic communications transmitted over the telephone instrument hereinabove described.

The records of this office reveal that the telephonic communications transmitted over said instrument were intercepted during the period hereinbelow

set forth. All of said interceptions were pursuant to orders issued by Judges of the Court of General Sessions under Section 813a of the Code of Criminal Procedure.

The dates during which the said telephonic communications were intercepted were November 28, 1955, to May 27, 1956.

It is respectfully submitted that the District Attorney of New York County be authorized, in the public interest, to furnish to the United States Senate Select Committee on Improper Activities in the Labor or Management Field to said transcripts and other information for the use of said committee in connection with and in the course of its said investigation.

No previous application has been made for the order herein requested.

(signed) ALFRED J. SCOTT.

Sworn to before me this 1st day of May 1957.

KATHRYN A. DONOHUE,
Notary Public, State of New York.

Mr. McDONOUGH. My objection will be noted for the reasons previously stated.

The CHAIRMAN. Your objection has been noted, and to save you trouble we will consider you are objecting to everything from here on out. For the purpose of the record, those objections are overruled.

Mr. DIRENZO. I note the same objection on behalf of the witness Goldstein.

The CHAIRMAN. But you waived any objection up to this point, and you did not interpose it. But your objection is overruled.

Mr. KENNEDY. Mr. Chairman, this first is a transcript of a telephone conversation between Mr. Samuel Goldstein, president of Local 239, International Brotherhood of Teamsters, and Anthony Ducks Corallo, vice president of Local 239, International Brotherhood of Teamsters, both with long criminal records and will indicate the interest of these individuals in the election of Mr. John O'Rourke.

Mr. Goldstein is on two phone calls and only one of them is monitored.

(The recording is as follows:)

1ST OPERATOR. Mr. Selzo.

2D OPERATOR. I don't get the name, Operator.

SAMUEL GOLDSTEIN. Room 402, he's in.

1ST OPERATOR. Room 402.

2D OPERATOR. Operator, I don't get that name.

1ST OPERATOR. Is it S-e-l-z-o?

GOLDSTEIN. That's right.

1ST OPERATOR. It's S like in Sam, el, Z like in Zebra, o.

2D OPERATOR. Selzo?

1ST OPERATOR. Right. Room 402.

2D OPERATOR. We don't have anyone listed in room 402. Are you calling the Seville?

1ST OPERATOR. I'm trying—

GOLDSTEIN. The Seville; that's right.

1ST OPERATOR. Yes, we are. Do you have a Mr. Selzo registered?

2D OPERATOR. No, I don't have him listed, Operator.

GOLDSTEIN. Fanny, there is no such name as Selzo, Fanny.

2D OPERATOR. Sir?

GOLDSTEIN. Let me make a—Forget about the person-to-person, Miss; let me just speak to the hotel and tell them to connect me to room 402.

2D OPERATOR. Well, that will still be person-to-person.

GOLDSTEIN. Okay, let it be person-to-person.

1ST OPERATOR. Operator—

2D OPERATOR. I have a Mr. Macalu—

GOLDSTEIN. That's the party, that's the party I want.

1ST OPERATOR. Then do you want Mr. Macalu?

GOLDSTEIN. Yeah.

1ST OPERATOR. We'll speak with Mr. Macalu.

2D OPERATOR. Are you paid?

1ST OPERATOR. Yes, I am.

GOLDSTEIN. Inaudible. What's all this Fanny? What is this?

2D OPERATOR. Hold for a page, Operator. His room——

1ST OPERATOR. Thank you. Sir, his room doesn't answer; they're having him paged.

GOLDSTEIN. Thank you. What does Chester want; Fanny?

Fanny, pick him up on 50 for me. RE 2-5961. Max on 50? Hello——

1ST OPERATOR. Yes? We're waiting for Mr. Macalu——

GOLDSTEIN. Will I meet who?

1ST OPERATOR. Hello——

GOLDSTEIN. Yes, Miss; I'm listening to you——

1ST OPERATOR. Oh, all right. I was just saying we're waiting for your party.

GOLDSTEIN. Fine; thank you.

1ST OPERATOR. You're welcome.

GOLDSTEIN. I got a 2 o'clock appointment, Max, but I got a few calls to make before I make that appointment. Why, I don't want the other party with me. * * * Oh, so better meet me in the office about 4 o'clock. Oh, fine; that'll be all right. * * * Yeah, what's the situation there Max? * * * Where? * * * They're going to close the joint and he's talking about good raises. * * * Yeah. * * * All right Mac, how's the situation down there? You know this guy's number? The guy you spoke to; what's his name? Yeah I'm just going to call him up Max. * * * You don't want me to? * * * No, okay, fine. * * * Right, okay, Max. Right, right. * * * Oh, let him stop worrying about that; first we got to—let him go back and have some kind of a meeting with them and then tell them that he is coming next Thursday to discuss contract conditions. * * * He'll be back next Thursday to speak contract conditions. * * * Who's that? * * * Yeah. * * *

2D OPERATOR. Hold on, Operator; he's coming to the phone.

1ST OPERATOR. Thank you.

2D OPERATOR. Hello.

VOICE. Hello.

2D OPERATOR. Hello, Mr. Macalu?

ALFRED MACALUSO. Yeah.

2D OPERATOR. All right, New York——

GOLDSTEIN. Hello, Mac?

MACALUSO. Yeah?

GOLDSTEIN. What's new, Mac?

MACALUSO. Oh, not much, Goldie.

GOLDSTEIN. The other guy there?

MACALUSO. Yeah; how you been?

GOLDSTEIN. Can't complain, Mac.

MACALUSO. Hold on, right?

GOLDSTEIN. Right.

VOICE. Hello.

GOLDSTEIN. Hello, Anthony?

ANTHONY CORALLO. Yeah.

GOLDSTEIN. Let me explain to you what's going on here. I went to see that—there was a big meeting Tuesday night, you know, for nominations.

CORALLO. Yeah.

GOLDSTEIN. Is it all right for me to talk?

CORALLO. Yeah.

GOLDSTEIN. There was a big meeting for nominations and all of a sudden there was rebellion in the hall, you know. This crew was hollering; that crew was hollering—everybody was hollering. So I went up into the side thing and I grabbed hold of Marty, you know.

CORALLO. Yeah.

GOLDSTEIN. I says, "What are you doing Marty; this is no good for you; it's no good for the other guy; it's no good for nobody. Why don't you listen to what I got to tell you; it'll take a couple of minutes." So I start to tell him, you know, what's what, so he says, "What do you mean I don't want to meet him?" Who the hell does he think he is, you know. So I went over to Johnny, you know, "O." And I sat down and I spoke to him real quick like for 2 minutes. I said the best thing for you to do is to get together with this guy—1, 2, 3—this thing is going to go on all night; it's no good for everybody. It's going to hit the papers.

CORALLO. Yeah.

GOLDSTEIN. So he says, "Does the guy want to talk?" I says, "Sure, he wants to talk to you. He's waiting in the little thing for you." So the both of them

went down. Now, I was going to do the talking but Johnny says, "I'll talk to him myself." I says, "O. K." You know, he's big enough to handle his own problems, you know.

CORALLO. Yeah.

GOLDSTEIN. So I walked way. So they cut up for about 45 minutes so the joint took a recess.

CORALLO. Why didn't you stay there?

GOLDSTEIN. He asked me to go away, Anthony.

CORALLO. He asked you to go away?

GOLDSTEIN. He said he wants to speak to him alone——

CORALLO. Oh.

GOLDSTEIN. You know. So, the joint took a recess of 45 minutes but nobody left their seats. In the meantime, the press was upstairs, you know.

CORALLO. Yeah.

GOLDSTEIN. So I guess you know we hit the papers here the next day. I don't know if you get the papers down there.

CORALLO. No.

GOLDSTEIN. Well, anyway this little thing went on, you know. And then when Johnny came back he moved away from his motion. In other words, it looked like everything was all right, as far as I knew.

CORALLO. Yeah.

GOLDSTEIN. And then he sent somebody over; he wants to see me before the meeting ends like, you know. So, when I came—when the meeting was over, we had an 8 o'clock meeting ourselves that night, you know, with our members.

CORALLO. Yeah.

GOLDSTEIN. But I ran over to him and he says to me, "You done a good thing." He says—he says "You moved it real good." I says, "Johnny, I wished you would have let me stay with you; we could have moved it better maybe, not that you can't do your own job, you know, I guess you know best what you want to tell them."

CORALLO. Yeah.

GOLDSTEIN. So, he says everything is okay, he says. I'm figuring that he spoke to the guy like I was told to; you know what I mean.

CORALLO. Yeah.

GOLDSTEIN. Now, all of a sudden, there is a problem. So, your little fellow from 57th Street calls me yesterday——

CORALLO. Yeah.

GOLDSTEIN. And he says, "There's a problem; it's no good."

CORALLO. What——

GOLDSTEIN. He says, "When I left it it was all right." He says, "So see if you can go see that guy." So I made him a call about 1 o'clock and he was gone——

Huh?

CORALLO. I told those —— to let you talk to him.

GOLDSTEIN. I don't hear you.

CORALLO. I told those stupid guys to let you talk to him.

GOLDSTEIN. Well, anyway, here's what happened. When I called about 1 o'clock he wasn't in; he was in the mayor's office, you know. I ain't going to no mayor's office, so I didn't try to reach him any more. But I left word with the girl that he should call me as soon as she heard from him.

CORALLO. Yeah.

GOLDSTEIN. So, 1 o'clock last night, I got a call in my house from him.

CORALLO. One o'clock at night?

GOLDSTEIN. Yeah. That's the first he heard of it, you know.

CORALLO. Yeah.

GOLDSTEIN. Evidently it slipped her mind and she must of thought about it and called him up and he called me, 1 o'clock in the morning.

CORALLO. Yeah.

GOLDSTEIN. He says, "Can I see you tomorrow morning?" I says, "Yeah, what time?" "Well, you know what time," he says, "6 o'clock." So 6 o'clock I went down to see him this morning. And we start cutting it up with him, and I figured, whats the sense in me cutting all the way; I don't know what I'm talking about. You know what I mean?

CORALLO. You could have cut about the money, didn't you?

GOLDSTEIN. Yeah, but that wasn't important no more because he was hurt by what happened on account of that night like; in other words, something must have happened from the night Johnny and him spoke until 2—3 days later, you know what I mean?

CORALLO. Did you tell that to Johnny Dio?

GOLDSTEIN. Well, I'll finish the whole thing.

So, now I'm in the middle with the thing here and this guy has got me in the room Tony from 6 o'clock, till 8 o'clock he's talking his heart out to me and he told me that things could have been arranged. He says: "Why didn't these people come," he says. "I would listen to whatever you had to say," he says, "but I'm not going to take no back seat the way they're trying to do it. The whole —— press got it; everybody got it. Why should I back away now."

I says: "Marty, what's the sense in fighting this here thing the way you're fighting it now? It's no good."

So the guys breaks down and he starts to cry, Tony, you know. He says: "Look, how many years I got to go? If they wanted this here thing why didn't they tell me that 3 months ago. You could have come and spoke to me, Sam. Tell me what's what."

CORALLO. He knows you act for us?

GOLDSTEIN. Huh?

CORALLO. He knows you know everything.

GOLDSTEIN. Yeah. He says: "I would have made a speech but my doctor says I got too many jobs to take care of——" You know what I mean.

CORALLO. Yeah.

GOLDSTEIN. And I would have backed away from one of them." He said, "Look," he says, "I'm going to win this thing Sam, and I'm going to fight it all the way down the line." I says: "Look, Marty, don't do nothing like that yet." And listen, I never brought up Johnny's name like in reference to something like, you know, he was a friend all the time; he told Johnny not to go on the campaign. I says, "Marty, I don't know anything about that but there is one thing I can tell you, Johnny is still your friend. That I can guarantee you, no matter what you may think, he's still your friend, you know. And I pulled Johnny up to the skyward while we were sitting there; in fact, I told him Johnny once told me that he was like a second father to him. You know, this and that. And the guy was crying, Tony, like a babe in the woods. "What," he says, "if they would come and hit me with bats that would be all right. But not the way they done it to me. Look if they want to move Hickey, you know what I mean, I'll help them."

CORALLO. Yeah.

GOLDSTEIN. "If they want to move the other guy up as the top man in the business I'll help them."

"Let's sit down and talk," he says. "Did I ever hurt anybody. Did I—Sam, have I done anything but good?" "Marty," I says, "I'm not concerned in this here thing. As far as I'm concerned, you know how I stand Marty. I don't have to tell anybody how I stand. Nobody knows better than you how I stand." So I says, "I'm only here, Marty, trying to make peace. That's what I'm trying to do. I'm trying to see that New York don't blow up on account of this here."

He says, "So what am I supposed to do?"

So, Johnny left me and I should call him when I get through, you know what I mean——

CORALLO. Yeah.

GOLDSTEIN. That he would have a walk with him. When I called Johnny he didn't have no walk. But I made it that Johnny is the—I'll bring Johnny in and Johnny will sit down like. In other words, if Johnny will get Johnny O'Rourke, this guy will sit and look to map something out.

CORALLO. Work fast.

GOLDSTEIN. Work fast; they already had a meeting. After I left about 10 after 9; he wouldn't let me out of the office, you know.

CORALLO. Yeah.

GOLDSTEIN. He says you handle it and he give me his phone number like. He says call me Saturday, Sunday, 2 o'clock, 4 o'clock. He says you call me, whatever you hear, whatever they want to work you call me and I'll come and meet you, Sam.

CORALLO. Yeah.

GOLDSTEIN. So now, I'm waiting to hear from them. They know exactly what happened.

CORALLO. Well, reach out for them; I'm going up in the room.

GOLDSTEIN. Reach out for them?

CORALLO. Yeah, reach out for Johnny and tell them I said to phone me too. Give them the number where I'm at.

GOLDSTEIN. Right.

CORALLO. And say that——

GOLDSTEIN. Right. Anthony——

CORALLO. What?

GOLDSTEIN. Anthony, he says he's going to win it; if they are going to fight him he's going to win it. He got ways to win it.

CORALLO. He can't win it.

GOLDSTEIN. I wish you was there Tuesday night.

CORALLO. Yeah? Don't underrate this guy, Tony.

CORALLO. No; but how's he going to win it when he ain't got the votes?

GOLDSTEIN. I'll tell you how, Tony. I got the roster in front of me. There's 57 locals, Tony.

CORALLO. Yeah.

GOLDSTEIN. He shows me he's got 33 locals in the bag, Tony; that's more than half.

CORALLO. Don't believe it.

GOLDSTEIN. Tony, all right; I'm just telling you.

CORALLO. Listen, could you reach out for Johnny now?

GOLDSTEIN. Yes; I'll get a hold of him right away.

CORALLO. Get a hold of him and call me right back; I'm going up the room.

GOLDSTEIN. You're going up—you want them to call you.

CORALLO. You'll be there, you'll be there.

GOLDSTEIN. We'll—they'll be at 57th.

CORALLO. Well, you'll be there; otherwise, let them call me.

GOLDSTEIN. Right.

CORALLO. If you can be there, be there; I want to speak to all of you.

GOLDSTEIN. All right, Tony.

CORALLO. I'm going up the room and wait for the call.

GOLDSTEIN. Right.

CORALLO. Right now. So long.

The CHAIRMAN. That is a little interesting; is it not?

Mr. GOLDSTEIN. Is that a statement or a question?

The CHAIRMAN. Both.

Mr. GOLDSTEIN. Senator McClellan, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. How about this Mr. O'Rourke? What interest do you have in him about that time?

Mr. GOLDSTEIN. A name you should know, Senator McClellan.

The CHAIRMAN. It may be a good name.

Mr. GOLDSTEIN. I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Who is this fellow Tony that they are referring to?

Mr. GOLDSTEIN. I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. And Johnny Dio? It looks like something was kind of cooking. Can you tell us what it was?

Mr. GOLDSTEIN. I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Who is Sam? Can you tell us who Sam is?

Mr. GOLDSTEIN. I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Could it possibly be Sam Goldstein?

Mr. GOLDSTEIN. Senator McClellan, I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Did you recognize Sam Goldstein's voice on that recording?

Mr. GOLDSTEIN. Senator McClellan, I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Do you know the man sitting next to you now?

Mr. GOLDSTEIN. Senator McClellan, I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Let us have order.

Was it not that conversation between you and the man sitting next to you, just on your right, Ducks Corallo?

Mr. GOLDSTEIN. I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Turn around and look at him and see if you can identify him. You know him, do you not? Thank you.

You know him, do you not?

Mr. GOLDSTEIN. Senator McClellan, I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Well, is there anything in that that you would like to explain?

Mr. GOLDSTEIN. Senator McClellan, I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Who is Selzo?

(At this point Senator McNamara entered the hearing room.)

The CHAIRMAN. Do you know him? Do you know Selzo?

Mr. GOLDSTEIN. I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Who is Macaluso?

Mr. GOLDSTEIN. I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Is there anything in here that you think would not incriminate you that you heard?

Mr. GOLDSTEIN. Senator McClellan, I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Mr. Corallo, maybe you will help us some. Can you give us any information about this telephone conversation?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. It seems to me that you were one of the parties speaking here. Is that correct?

Mr. CORALLO. I respectfully refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Well now, that is a kind of pretty comeoff, that you boys sit there together and had this telephone conversation, and now you are side by side here where people are interested in the affairs that have gone on with respect to these labor unions—fraudulent elections and robbing the poor working people, and so forth, and you sit there now and won't even recognize each other after planning and plotting here.

Don't you think that is a pretty picture? I am asking both of you.

Mr. GOLDSTEIN. I must respectfully decline to answer on the ground it may tend to incriminate me.

Mr. CORALLO. I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Well, I am sorry then we had to bring you up here together, because that may incriminate you too.

Go ahead, Mr. Counsel.

Mr. KENNEDY. There is just some background that I might give on this, Mr. Chairman.

We can identify the voices.

The CHAIRMAN. Have your witness identify the voices.

TESTIMONY OF DETECTIVE NATALE LAURENDI—Resumed

The CHAIRMAN. You were previously sworn?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. You have been previously sworn during these hearings?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. Did you hear this recording played just now?

Mr. LAURENDI. Yes, sir; I did.

The CHAIRMAN. What date was that conversation?

Mr. LAURENDI. This conversation was recorded on January 13, 1956.

The CHAIRMAN. How long was that before the election of joint council 16?

Mr. LAURENDI. I think it was a few months.

Mr. KENNEDY. The election, Mr. Chairman, was on February 14, 1956, and the charters of the so-called paper locals were November 8, 1955.

The CHAIRMAN. I wanted the relation of this conversation to the election.

Mr. KENNEDY. February 14.

The CHAIRMAN. That has already been testified to. It is in the record. I just wanted to have it stated correctly.

Did you recognize the voices in this telephone conversation that you just heard.

Mr. LAURENDI. Yes, sir; I just did.

The CHAIRMAN. Whose voices are they?

Mr. LAURENDI. They are the voices of Anthony Corallo and Sam Goldstein.

The CHAIRMAN. Do you see the gentlemen in the room whom you can identify as having the voices that we have a recording of here?

Mr. LAURENDI. Yes, sir; I do.

The CHAIRMAN. Point to them, will you?

Mr. LAURENDI. On my right is Sam Goldstein, and on his right is Tony Corallo.

The CHAIRMAN. The two witnesses on the stand?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. I see. Have you compared this transcription with the recording?

Mr. LAURENDI. Yes, sir; I have.

The CHAIRMAN. Is it correct?

Mr. LAURENDI. With a few minor exceptions, on page 2.

The CHAIRMAN. On page 2, will you note the corrections?

Mr. LAURENDI. Yes, sir. The third line down, instead of being "What's all this, Fanny?" that should be "What's all this, Bernie?"

The CHAIRMAN. That is on page 2?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. We will make that correction in the transcript.

Mr. LAURENDI. Also on lines 6 and 7.

The CHAIRMAN. What are the corrections there?

Mr. LAURENDI. On page 3, 6 lines down, instead of "Alfred Macaluso," that should be "Mac Macaluso."

The CHAIRMAN. All right, we will make the correction there. Are there any other corrections in there?

Mr. LAURENDI. No, sir.

The CHAIRMAN. You observed no other corrections to be made?

Mr. LAURENDI. No, sir; I do not.

The CHAIRMAN. All right; this transcript will be printed in the record.

The date of the conversation, you say, was January 13, 1956?

Mr. LAURENDI. January 13, 1956; yes, sir.

The CHAIRMAN. Thank you very much.

Senator IVES. I would like to ask Mr. Laurendi if he did all of this under the direction of District Attorney Hogan?

Mr. LAURENDI. Under the direction of my superior officers, Capt. Fred Haynes, Lt. Willard F. J. Shipsey, and Acting Lt. George R. Salaca, who are my superior officers of the New York City Police Department, which is a squad attached to Mr. Hogan's office.

Senator IVES. They operate directly with Mr. Hogan's office?

Mr. LAURENDI. Yes, sir; they do.

Senator IVES. I merely want to commend you and your superiors, and to mention District Attorney Hogan as one of the outstanding district attorneys in the country.

Mr. LAURENDI. Thank you very much.

The CHAIRMAN. The Chair would like to say for the record at this point that District Attorney Hogan's office, and his staff, and everyone connected with his office have extended this committee every courtesy and cooperated fully.

Mr. KENNEDY. I might give a little background on this, Mr. Chairman.

This conversation as has been stated was recorded on January 13, 1956. I might just receipt the events that preceded that.

A meeting of joint council 16, in New York, was held at Roosevelt Auditorium, 100 East 17th Street, for the nomination of candidates for joint council 16 offices, on Tuesday, January 10, 1956.

This first telephone conversation between Goldstein and Corallo which occurred on the following Friday, January 13, 1956, concerned the joint council meeting of January 10.

The following which I am going to read are excerpts of the meeting of joint council 16 on January 19, 1956.

The CHAIRMAN. From the minutes of the meeting? Do we have the minutes?

Mr. KENNEDY. They are right here.

The CHAIRMAN. Where were these minutes obtained? Maybe they should be sworn to.

Mr. KENNEDY. From the joint council office.

The CHAIRMAN. Is there any member of the staff who can verify this?

Mr. KENNEDY. Mr. Tierney.

TESTIMONY OF PAUL J. TIERNEY

The CHAIRMAN. Mr. Tierney, you have been previously sworn in this hearing?

Mr. TIERNEY. Yes, sir.

The CHAIRMAN. Is this a copy of the minutes that you obtained from the files of what office?

Mr. TIERNEY. From the files of joint council 16 in New York City of the teamsters.

The CHAIRMAN. Is this the original that you obtained?

Mr. TIERNEY. This is the original I obtained.

The CHAIRMAN. It came out of the files?

Mr. TIERNEY. Yes, sir.

The CHAIRMAN. Thank you very much.

Now, you may refer to them and read any part of them into the record.

This will be made exhibit 123.

(The document referred to was marked "Exhibit No. 123" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. The excerpt that we are interested in reads as follows:

A motion was made by Brother Collins, local 816, and seconded by Brother Gallen, local 607, that all other business be dispensed with and that nominations be conducted. A voice vote followed. The chairman, Martin Lacey, ruled the motion carried.

Then Brother McNamara, local 808, appealed the decision to the chairman and Brother Holt, local 805, seconded the appeal.

Then the next note is that the meeting recessed, and then this follows:

Brother O'Rourke, Local 282, requested Brother McNamara to withdraw his motion, and Brother McNamara withdrew his motion, and asked the seconder, Brother Holt, if he agreed to withdrawing the motion. Brother Holt agreed. The motion to suspend all business therefore carried. The chairman turned the Chair over to Vice President Catrollo for nominations.

So there was a recess that was discussed here which occurred, which was discussed in this telephone conversation, and the recess occurred and Mr. Lacey and Mr. O'Rourke got together. Then when Mr. O'Rourke came back, he requested Mr. McNamara to withdraw his motion, which was done, and the seconder, Holt, who had seconded the motion, also withdrew his second.

The CHAIRMAN. Is Holt the same man that provided that bouncing charter?

Mr. KENNEDY. That is correct. He is secretary-treasurer of local 805, and very close to Johnny Diognardi.

The CHAIRMAN. All right.

Mr. KENNEDY. Now, I have two points that I would like to bring out.

On page 5, Mr. Chairman, there is a notation:

GOLDSTEIN. Now, all of a sudden, there is a problem. So your little fellow from 57th Street calls me yesterday—

The little fellow from 57th Street there, Mr. Chairman, we believe to be Johnny Dio. That was his address at that time.

TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL, JOSEPH M. McDONOUGH; AND SAM GOLDSTEIN, ACCOMPANIED BY HIS COUNSEL, MICHAEL P. DIRENZO—Resumed

The CHAIRMAN. How about that, Mr. Goldstein, could you help us out?

Mr. GOLDSTEIN. Senator McClellan, I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. We wouldn't want to do the "little fellow" any injustice, and you might help us if you would tell us.

Mr. GOLDSTEIN. Senator McClellan, I must respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Mr. Goldstein speaks of Johnny Dio, and he says to Mr. Corallo, "So, your little fellow from 57th Street calls me yesterday—" and Corallo says, "Yeah," and Goldstein says, "—and he says, 'There's a problem; it's no good.'" And Corallo says, "What—" and then they go on.

Then over on page 6 there is something of particular interest, and we are going to have some more information on that immediately, but it is Goldstein discussing with Corallo: "Can I see you tomorrow morning?"—reciting the conversation or relating the conversation that he, Goldstein, had had with Martin Lacey.

GOLDSTEIN. He says, "Can I see you tomorrow morning?" I says, "Yeah, what time?" "Well, you know what time," he says, "6 o'clock." So 6 o'clock I went down to see him this morning. And we start cutting it up with him, and I figured, what's the sense in me cutting all the way; I don't know what I'm talking about. You know what I mean.

Then Corallo says something which is of considerable significance:

You could have cut about the money, didn't you?

GOLDSTEIN. Yeah, but that wasn't important no more because he was hurt by what happened on account of that night; like, in other words, something must have happened from the night Johnny and him spoke.

The CHAIRMAN. Mr. Goldstein, you were the one that was talking to somebody here named "Marty." Is Marty, Mr. Lacey? Is that who that is?

Mr. GOLDSTEIN. I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Is Marty the one that was crying like a babe in the woods?

Mr. GOLDSTEIN. Senator McClellan, I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Did he cry in your presence that day?

Mr. GOLDSTEIN. Senator McClellan, I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Go ahead.

Mr. KENNEDY. It goes on, of course, on page 7, and Corallo asks if he discussed this matter with Johnny Dio, and then they go on to discuss the relationship or somewhat of the relationship between Johnny Dio and Johnny O'Rourke.

The CHAIRMAN. Mr. Corallo, did you understand when you were talking to Sam there, that it was Marty that was doing the crying? Did you get that impression from the conversation you had with him?

Mr. CORALLO. I must respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. It was the other fellow crying and it wasn't you. I thought you wouldn't mind telling whether you got the impression he was the one who was crying.

Mr. CORALLO. I must respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. Then there is more reference to Johnny Dio's interest and activities in this on page 8, where there is a discussion on the bottom of page 8, of Johnny Dio sitting down with Johnny O'Rourke and discussing this whole matter.

Now, we have another telephone conversation which will relate to this.

The CHAIRMAN. Are there any further questions on this conversation?

All right, let us play the next one.

Mr. KENNEDY. If I could ask Mr. Corallo, what money were you referring to there in connection with Martin Lacey?

Mr. CORALLO. I must respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. Had arrangements been made to offer Mr. Martin Lacey some money to get out of the fight?

Mr. CORALLO. I must respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. This conversation took place on the same day, January 13, Mr. Chairman. I would like to explain that we have the same situation as we had in the other call, where Goldstein is talking to two people at once, and he is talking to Corallo, and that whole conversation is recorded, and he is talking on the other phone to Johnny Dio, and the only part of that conversation that is recorded is what he says to Johnny Dio.

The CHAIRMAN. All right.

Mr. McDONOUGH. My objection is noted, Mr. Chairman and members of the committee.

The CHAIRMAN. It is noted permanently.

Mr. McDONOUGH. And I would like at this time, Mr. Chairman, as long as this is on the TV, and perhaps a nationwide audience, to say at least for the purposes of counsel of record that our position should be explained to the committee and explained to the TV audience, and I quote from President Grant in 1876:

The privilege against self-accusation, it is an inherent natural right, recognized in this country by a constitutional guaranty which protects every citizen, the President as well as the humblest in the land, from being made a witness against himself.

The CHAIRMAN. Well, I think if Mr. Grant were here now and observed the capriciousness with which it is apparently invoked, he would have had a little more to say than is there recorded.

Mr. McDONOUGH. As late as 1943, Justice Robert H. Jackson, of the Supreme Court, had this to say on the same thing:

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can proscribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein.

That was in 1943.

The CHAIRMAN. Let the Chair say that if this is on a national hookup of this proceeding—I doubt that it is, but I hope it is, and I am not sure—I think the American people who are observing, most of them at least, have the intellect and the judgment to form their own opinions without going back to Mr. Grant or even hearing a Supreme Court decision. Let us proceed.

(Transcript of telephone conversation between Sam Goldstein, president, Local 239, International Brotherhood of Teamsters, and Anthony "Ducks" Corallo, vice president, Local 239, International Brotherhood of Teamsters, on January 13, 1956, is as follows:)

SAM GOLDSTEIN. Jefferson 2-2511.

OPERATOR. Your number?

GOLDSTEIN. My number is Pennsylvania 6-3843.

OPERATOR. Thank you.

GOLDSTEIN. John, I didn't think I was going to hear from you, so I— * * *
When? * * * Yeah * * * She—she didn't tell me nothing—

(Goldstein was on two phones; now he switches to his long-distance call to Florida.)

MAN'S VOICE. Hello—

GOLDSTEIN. Hello, Tone? Hold on, Tone—

ANTHONY CORALLO. Hold on—

GOLDSTEIN. Yeah; one second, Johnny, huh?

CORALLO. Hello.

GOLDSTEIN. Hello, Tone? As I was dialing you, Johnny came in on the other phone. Do you want me to have Johnny call you now?

CORALLO. Can you get him?

GOLDSTEIN. Yeah; he's on the other phone now.

CORALLO. What happened?

GOLDSTEIN. Tone? He's says it's better you call him. At the Plaza 7? No?
[To other party.] Hold on just 1 minute, John. Judson 2-59. Are you going to be there, John? * * * Hello, Tone * * * Yeah * * * Do you want to call him at Judson 2—

CORALLO. Johnson 2—

GOLDSTEIN. Judson, Judson, J-u-d-s-o-n 2-1259—

CORALLO. Judson 2-1259; right?

GOLDSTEIN. Right.

CORALLO. Yeah.

GOLDSTEIN. Yeah, Johnny. Do you want to say anything now? Try it, Johnny.
You can't go up there—

Listen, Tone—

CORALLO. Yeah?

GOLDSTEIN. He can't go up to see the meet—so * * * Listen, that's what I'll do; that's what I'll do. I'll have him call you, Johnny; all right? I'll hang you up; I'll speak to him and he'll call you right away again—yeah—yeah—yeah. What am I supposed to do with it; what am I supposed to do with it, John? It's no good this way; I'm going and I'm groping in the dark, John * * *.

CORALLO. Ask him about the money.

GOLDSTEIN. You're not going to meet the guy, huh?

CORALLO. Did you ask him about the money?

GOLDSTEIN. All right; you tell him everything, John; O. K.?

CORALLO. Did he offer the 10,000 a week—a year?

GOLDSTEIN. All right, John; I'll hang you up.

Hello, Tone—

CORALLO. Yeah?

GOLDSTEIN. Look, Tony, I'll explain to you. He would have listened to anything a couple of months ago; sit down and talk it over. Now, the way they done things Tuesday night, Tone—if it was you and you was a whipped dog, Tone, you'd get up and you'd fight, Tone; you know what I mean?

CORALLO. Yeah—

GOLDSTEIN. Tone, there's all kinds of ways to do things; you know what I mean?

CORALLO. What's that? What happened? The whole joint council is against—

GOLDSTEIN. Is against who?

CORALLO. What happened with this whole committee?

GOLDSTEIN. With the committee? They met this morning; all the committee.

CORALLO. They met this morning?

GOLDSTEIN. They met this morning?

CORALLO. Yeah?

GOLDSTEIN. He asked me if I wanted to stay there. I says, "Marty, what am I got to do with this thing? People think I'm a figure in this thing; I'm nothing, Marty. I'm just trying to do the best I can. I don't want to meet the whole

committee; they'll be talk around New York—what am I doing there; you know?" He says, "You're right; you're right, Sam." You're right, you know.

And what am I—look, Tone, while I'm sitting—you know those couple hours—DeLurey walked in; Toretella walked in; Parisi walked upstairs—you know what I mean, Tone?

CORALLO. Parisi see you?

GOLDSTEIN. No; I ducked him. But Toretella and DeLurey saw me; you know what I mean? That's no good for me, Tone; you know what I mean?

CORALLO. That's all right; it's nothing against you.

GOLDSTEIN. All right, if you say it's O. K.—

CORALLO. Know the part you're playing.

GOLDSTEIN. Huh?

CORALLO. They all know what part you're playing——

GOLDSTEIN. I think so.

CORALLO. Because they're all in the open. You understand?

GOLDSTEIN. Yeah.

CORALLO. They're all gone.

GOLDSTEIN. How's the weather, Tone?

CORALLO. Aye * * * I got a cold; I'm all stuffed up.

GOLDSTEIN. When do you think you'll be coming back?

CORALLO. Sunday. How's them guys doing? Good?

GOLDSTEIN. No.

CORALLO. They didn't go?

GOLDSTEIN. No.

CORALLO. They didn't go yet?

GOLDSTEIN. No.

CORALLO. Those ——.

GOLDSTEIN. When you coming back? Sunday?

CORALLO. If you call that big guy, tell him I says—if he took care of that thing I told him.

GOLDSTEIN. Carmine?

CORALLO. No.

GOLDSTEIN. Dick?

CORALLO. Yes.

GOLDSTEIN. Right. I'll call him right away.

CORALLO. That island thing, you know.

GOLDSTEIN. Yeah.

CORALLO. Just speak to him.

GOLDSTEIN. I know what to say.

CORALLO. Just speak to him, watch what you tell him.

GOLDSTEIN. I will.

CORALLO. What else?

GOLDSTEIN. Oh, I don't know. I can't tell you nothing else. I can tell you everything is moving good with 239. That's all I can tell you.

CORALLO. Did you go over the doctor's?

GOLDSTEIN. Huh?

CORALLO. Did you go to the doctor's?

GOLDSTEIN. Yeah.

CORALLO. What did he say?

GOLDSTEIN. Well, my heart is 100 percent; my lungs is 100 percent; my blood pressure's up, but he found sugar, you know.

CORALLO. How much?

GOLDSTEIN. Well, I went today; I went for blood pressure today and I'll know about 5 o'clock. I'll call the doctor about 5 o'clock.

CORALLO. You tired and hungry all the time?

GOLDSTEIN. No. He says to me, he says, "You work too hard." I said, "I work too hard? I don't do nothing." He says, "Well, whatever you do, you spend long hours at it."

CORALLO. He's full of ——.

GOLDSTEIN. Pile of ——, all right. I got to take—the sugar don't show nothing; if the blood don't show nothing, —— him, I know what I have to do.

CORALLO. You sleepy?

GOLDSTEIN. No.

CORALLO. Tired?

GOLDSTEIN. No. * * * no, but I'm drinking a lot of water, Tone.

CORALLO. Yeah.

GOLDSTEIN. Now, listen, Tony, he's waiting by the phone; you call him.

CORALLO. What's that number?

GOLDSTEIN. Judson 2-1259.

CORALLO. Judson 2-1259.

GOLDSTEIN. Right. All right. * * * Tone.

CORALLO. Yeah?

GOLDSTEIN. What should I be—a football over the weekend, or what?

CORALLO. You can't be a football, because you got no other choice.

GOLDSTEIN. Right.

CORALLO. You gotta drown with everybody.

GOLDSTEIN. All right, Tone.

CORALLO. Listen; what I mean you got to drown with everybody, you got to be on the rough side.

GOLDSTEIN. Oh, that's for sure.

CORALLO. Know what I mean?

GOLDSTEIN. Yeah. That's for sure. I wish you were here, Tone.

CORALLO. But I'm not.

GOLDSTEIN. Yeah; I guess so.

CORALLO. Glad that I'm not.

GOLDSTEIN. All right, Anthony; I'll speak to you over the weekend. At this same place?

CORALLO. Yeah. But, listen, how about Mickey Finn?

GOLDSTEIN. He just called me about 15 minutes ago; he wants to reach your fat friend.

CORALLO. What happened? The guy didn't get back when he was supposed to?

GOLDSTEIN. Not entirely.

CORALLO. Not entirely—well, I told him to give me the whole —— list; now, he's going to start the beat one at a time.

GOLDSTEIN. I say, that's no problem of yours now; I'll speak to Carmine now.

CORALLO. All right.

GOLDSTEIN. I got the phones out looking for Carmine now.

CORALLO. Tell that other to get ahold of him; if you can't get him there, get him on 36th Street.

GOLDSTEIN. Right.

CORALLO. Champion's place.

GOLDSTEIN. All right, Anthony.

CORALLO. O. K.

GOLDSTEIN. Take care.

CORALLO. All right.

The CHAIRMAN. Well, all right.

Would the witnesses now like to throw any light on this conversation?

Mr. GOLDSTEIN. Senator McClellan, I respectfully decline to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. Mr. Corallo, would you care to be helpful?

Mr. CORALLO. I respectfully decline to answer on the ground that it might tend to incriminate me.

The CHAIRMAN. It looks like this thing is about to get out of hand at that moment; does it not?

Mr. GOLDSTEIN. Senator McClellan, I respectfully decline to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. All right.

Let me get it in the record.

TESTIMONY OF DETECTIVE NATALE LAURENDI—Resumed

The CHAIRMAN. You heard this recording?

Mr. LAURENDI. Yes, sir; I have.

The CHAIRMAN. Have you compared the transcript with it?

Mr. LAURENDI. I have.

The CHAIRMAN. Is the transcript correct?

Mr. LAURENDI. Yes, sir; it is.

The CHAIRMAN. It is correct?

Mr. LAURENDI. Yes; it is.

The CHAIRMAN. This transcript may be printed in the record. What is the date of this conversation?

Mr. LAURENDI. This conversation was recorded on January 13, 1956.

The CHAIRMAN. Do you recognize any of the voices?

Mr. LAURENDI. Yes, sir. I recognize both parties.

The CHAIRMAN. Both parties?

Mr. LAURENDI. Sam Goldstein and Anthony Corallo.

The CHAIRMAN. The two witnesses who are here before the committee now?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. Are there any questions?

Senator IVES. Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. Are you about to discharge the witnesses?

The CHAIRMAN. Are there any questions on this?

Mr. KENNEDY. I have some points that I want to make.

The CHAIRMAN. I meant has the committee any questions on this particular item.

Senator IVES. I have them on something else.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Chairman, I might say starting on page 1 where they give some of these numbers, Plaza 7 is the beginning of Johnny Dio's number. Johnny Dio was on the other phone. His telephone number at that time started out Plaza 7. During this period of time he received a great number of his telephone calls at local 805 of the teamsters, the local that was run by Milton Holt. That number is the number that they ultimately decided that he should be called at by Corallo, and that was Judson 2-1259, which is mentioned over on the top of page 2.

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. KENNEDY. I think it is of particular significance that at this time, Corallo and Johnny Dio were attempting to get Martin Lacey to withdraw from the race, so that the presidency would go to John O'Rourke. We have over here on the bottom of page 10 probably the most significant part of either one of these calls, namely Tony Corallo—

Mr. McDONOUGH. What page is that?

Mr. KENNEDY. Page 2 of the second call, where Tony Corallo says to Goldstein in connection with Johnny Dio, "Did he offer the \$10,000 a week—a year?"

Did he offer the \$10,000?

TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL, JOSEPH M. McDONOUGH; AND SAM GOLDSTEIN, ACCOMPANIED BY HIS COUNSEL, MICHAEL P. DIRENZO—Resumed

Mr. KENNEDY. Can you tell us whether you made arrangements, Mr. Corallo, to offer Martin Lacey \$10,000 a year if he would get out of the race?

Mr. CORALLO. I respectfully decline to answer on the ground that it might tend to incriminate me.

Mr. KENNEDY. Right above that he says "Did you ask him about the money" and Goldstein answers, "All right, you tell him everything, John, O. K.?" And Corallo goes on, "Did he offer the \$10,000 a week—a year?"

Can you tell us about the \$10,000?

Mr. CORALLO. I respectfully decline to answer on the grounds that it might tend to incriminate me.

Mr. KENNEDY. Goldstein goes on to explain that Martin Lacey perhaps would have sat down and talked about it a few months ago, but now it was too late, he was too involved and now he was going to fight this thing, which he ended up doing.

Then the telephone number, again, that is mentioned, on page 6, where Tony was supposed to call, is Judson 2-1259, which is the telephone number of local 805.

We see also on page 7 the conversation referral to Mickey Finn.

Can you tell us about that, Mr. Goldstein?

Mr. GOLDSTEIN. Sir, I must respectfully decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Were you not carrying on some discussions during this period of time about bringing Mickey Finn of the UAW-CIO into the teamsters?

Mr. GOLDSTEIN. Sir, I must respectfully decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. And the Dick that is mentioned in here we believe to be Dick Kaminetsky and Carmine to be Carmine Trammunti, two of the lieutenants of Tony Ducks.

The Champion place is Champion Trucking Co., mentioned on page 8. This is Abe Chait, who operates out of New York, and it is the location where Solly Cotliar, who we heard about this morning, used to operate out of, as well as Dick Kaminetsky.

Senator IVES. Are there any further questions, counsel?

Mr. KENNEDY. No. That was the explanation of some of the items in the call.

Senator IVES. If that is all you have for the moment, I will get my 2 cents in here.

This is something different.

(At this point, Senator McClellan entered the hearing room.)

Senator IVES. My question applies to both witnesses.

I will first direct it to Mr. Corallo, because he happens to be the first one today.

I wish that Mr. Goldstein would also pay attention to it, because in the event Mr. Corallo cannot answer it, I will ask him.

Did your local 239 negotiate a contract with Redgton Automotive Supply Co., of 6012 Eighth Avenue, Brooklyn, which company is a 1-man operation conducted by Francis Shannon?

Mr. CORALLO. I must decline to answer the question on the grounds that it might tend to incriminate me.

Senator IVES. Mr. Goldstein?

Mr. GOLDSTEIN. Senator Ives, I respectfully decline to answer the question on the grounds that it might tend to incriminate me.

Senator IVES. All right.

Is it true that there are no employees in this company, but notwithstanding this you signed a collective bargaining agreement with it?

Mr. CORALLO. I must decline to answer the question on the ground it might tend to incriminate me.

Mr. GOLDSTEIN. Senator Ives, I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Senator IVES. Did you not sign a similar contract with another one-man shop, owned by Pat Reger, of 1368 Linden Boulevard, Brooklyn, N. Y.?

Mr. CORALLO. I must decline to answer the question on the grounds it might tend to incriminate me.

Senator IVES. I do not care which one will answer first. I am going to get the same answer out of them. I can see that.

Mr. GOLDSTEIN. Senator Ives, I respectfully decline to answer on the grounds it may tend to incriminate me.

Senator IVES. This is the last one. Was not Mr. Reger, according to the terms of the contract, forbidden to conduct his business on Saturdays, despite the fact that no employees are involved?

Mr. CORALLO. I must respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. GOLDSTEIN. Senator Ives, I respectfully decline to answer on the grounds it may tend to incriminate me.

Senator KENNEDY. Mr. Chairman?

The CHAIRMAN. Senator Kennedy.

Senator KENNEDY. Mr. Chairman, these records and other evidence brought before the committee indicate that the charter for these paper locals was obtained by fraud, also credentials involved in the voting for the head of the teamsters of New York City, and that fraud was involved in the voting. It was involved in the preparation of the credentials.

We have this evidence that Mr. Corallo and Mr. Goldstein discussed paying \$10,000 to Mr. Lacey to withdraw from the fight for the control of the teamsters in New York.

We understand, it has been brought out, that Johnny Dio brought in a number of men into the labor movement, all of whom had prison records, many of whom have been indicted since then, including Mr. Dio, and sentenced to jail for extortion and other crimes.

I would like to ask either witness why it was that these racketeers were so interested in playing a major part in winning control of the teamster movement in New York City.

Mr. CORALLO. I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Senator KENNEDY. I will ask Mr. Goldstein. Why was it worth so much effort by you, Mr. Corallo, Mr. Dio, and all of the rest, to try to put Mr. O'Rourke in as head of the teamsters instead of Mr. Lacey?

Mr. GOLDSTEIN. Senator Kennedy, I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Senator KENNEDY. I understand, Mr. Goldstein—are you still president of local 239?

Mr. GOLDSTEIN. Senator Kennedy, I must respectfully decline to answer the question on the ground that it may tend to incriminate me.

Senator KENNEDY. And I understand Mr. Corallo is vice president of local 239.

Mr. CORALLO. I must respectfully decline to answer the question on the grounds it may tend to incriminate me.

Senator KENNEDY. The ethical practices committee of the AFL-CIO has called for the resignation of any officers of any local in the AFL-CIO who take the fifth amendment before this committee. The fifth amendment has been taken by both of you many times today.

It seems to me an obligation of the president of the teamsters to ask for the resignation of both of you and, certainly, to investigate the material that has been brought forth before this committee.

The CHAIRMAN. Are there any other questions?

Mr. KENNEDY. We have one other matter we would like to take up with these gentlemen, if they could stand aside and let us call Mr. John O'Rourke.

The CHAIRMAN. The two witnesses will stand aside for the present, subject to being recalled this afternoon.

Mr. O'Rourke, please come forward.

(Present at this point were Senators McClellan, Ives, Ervin, McNamara, Kennedy, and Mundt.)

The CHAIRMAN. Mr. O'Rourke, will you be sworn, please?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. O'Rourke. I do.

TESTIMONY OF JOHN O'ROURKE, ACCOMPANIED BY HIS COUNSEL, SOL GELB

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. O'ROURKE. John O'Rourke, 4120 50th Street, Woodside, Long Island.

The CHAIRMAN. Yes, sir. Will you answer the remainder of the question, please?

Mr. O'ROURKE. I refuse to answer, Senator, on the ground it may tend to incriminate me.

The CHAIRMAN. You are the president of a joint council of the teamsters union; is that correct?

Mr. O'ROURKE. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. What is there about that council that would incriminate you?

Mr. O'ROURKE. I respectfully refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Well, there has been a lot of testimony here. You can help us clear it up a little, you know. You can sort of get it straightened out, if there is anything wrong. Do you not think so?

Mr. O'ROURKE. I refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Well, let me see if I can get you to answer this question: Do you have counsel?

Mr. O'ROURKE. Yes, sir.

The CHAIRMAN. Thank you.

Counsel, will you identify yourself for the record?

Mr. GELB. Sol Gelb, 30 Broad Street, New York.

The CHAIRMAN. Are you a member of the New York bar?

Mr. GELB. Yes.

The CHAIRMAN. Mr. Counsel, will you proceed. Let us be sure we give this witness an opportunity to clear up this record. It is pretty cloudy.

He looks like a nice, pleasant Irishman. I believe he is going to tell us something directly. Go ahead.

Senator MUNDT. Before we start, I would like to address a question to Mr. O'Rourke.

As one who has listened to most of this testimony, it seems to me you have been pretty badly incriminated by some of the evidence placed before this senatorial committee. Is there anything you would like to say at this time to help disincriminate yourself?

Mr. O'ROURKE. Senator, I refuse to answer on the grounds it may tend to incriminate me.

Senator MUNDT. It would be a wonderful opportunity now. It is the same forum before which you have been accused as to really serious dereliction. It is a wonderful opportunity to straighten out the record if, in fact, your activities have been such that the record can be straightened out.

I want to give you that opportunity. I do not want you to go away and say you did not have a chance to tell the truth; you did not have a chance to deny the charges. You have that chance right now in the open.

Is there anything you would like to say to place your record in a better light before the people of New York City?

Mr. O'ROURKE. I refuse to answer, Senator, on the grounds it may tend to incriminate me.

Senator MUNDT. Is the whole story really that bad, so that if you told us the truth, you would incriminate yourself?

Mr. O'ROURKE. I refuse to answer on the same grounds, that it may tend to incriminate me.

Senator MUNDT. You would be the best judge of that. I would hope that you could say something in your own defense.

The CHAIRMAN. All right, Mr. Counsel.

Mr. Adlerman, are you serving as counsel at this moment?

Mr. ADLERMAN. I am, sir.

The CHAIRMAN. Proceed.

Mr. GELB. Senator, may I ask you something.

The CHAIRMAN. Yes, you may.

Mr. GELB. The witness has indicated quite clearly that he refuses to accuse himself.

The CHAIRMAN. Refuses to what?

Mr. GELB. Accuse himself.

Senator MUNDT. He has gone further than that. He has refused to defend himself. Let us get the record straight.

Mr. GELB. I say the witness has made it quite clear that he refuses to accuse himself.

Senator MUNDT. And he refuses to defend himself, too. Let us keep the record straight.

Mr. GELB. What I say is a fact.

Senator MUNDT. What I say is a fact.

Mr. GELB. Yes, sure. He has invoked a constitutional right.

The CHAIRMAN. We are simply going to give him an opportunity to invoke it to his full satisfaction.

Mr. GELB. Would you permit me to ask a question?

The CHAIRMAN. Yes.

Mr. GELB. I say he has invoked the constitutional right and to which ungrudging adherence should be given. He has made it quite plain that he is refusing to accuse himself.

We can save time at the very threshold. I assume you are not going to ask him irrelevancies.

The CHAIRMAN. How would you assume we save time?

Mr. GELB. That you take it for granted that he is not going to accuse himself.

The CHAIRMAN. Well, we will take it for granted that he is not going to accuse himself, but we would like to take it for granted that he will be a good citizen and try to help this committee and his Government carry out an assignment of a task that has been assigned to it.

We would like to hope, that he he will be a little bit cooperative to that end.

Mr. GELB. And I would like to hope that in view of the plain position expressed, that you would not try to trap him.

The CHAIRMAN. Not try to what?

Mr. GELB. Trap him.

The CHAIRMAN. I could not do that. There is no danger.

Proceed, Mr. Counsel.

Mr. ADLERMAN. Mr. O'Rourke, how long have you been in the labor movement?

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. ADLERMAN. And you were president and secretary of local 282 for the past 9 years?

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. ADLERMAN. At the present time, are you president of the Joint Council No. 16 of New York?

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Mr. O'Rourke, were you president of joint council 16 several years ago and you gave it up because of ill health or some other reason, is that right?

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Then in the middle of 1955 or sometime in 1955, you decided to run again for the joint council, is that correct?

Mr. O'ROURKE. I refuse to answer on the grounds it may tend to incriminate me, on the same grounds stated in my previous question.

Mr. ADLERMAN. Judge Gelb has asked that we try to limit this as much as we can to personal questions. I will try to do so. I will try to ascertain from you now whether you had anything to do with the chartering of the paper locals, the seven paper locals.

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Of which, of course, you were the beneficiary in votes or attempted beneficiary of those votes.

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

The CHAIRMAN. Let me ask you something. Do you honestly believe that if you answered the question and told the truth, that a truthful answer might tend to incriminate you?

Mr. O'ROURKE. I refuse to answer that question on the grounds, Senator, it may tend to incriminate me.

The CHAIRMAN. Listen to the question. Ask him that question again.

I will ask you. Are you president of joint council 16?

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

The CHAIRMAN. Have you been serving as president of joint council 16 during the past year at any time?

Mr. O'ROURKE. I refuse to answer the question on the grounds it may tend to incriminate me.

The CHAIRMAN. Now, I ask you again: Do you honestly believe, and will you state under oath, that you honestly believe that if you gave a truthful answer to that question that a truthful answer might tend to incriminate you?

Mr. O'ROURKE. I refuse to answer the question on the grounds that it may tend to incriminate me.

The CHAIRMAN. With the permission of the committee, without objection from the committee, The Chair orders and directs you to answer that question.

Mr. O'ROURKE. I refuse to answer on——

Mr. GELB. By the way, may I inquire what question is before the witness?

The CHAIRMAN. The record shows what question is before him, but for the benefit of counsel who may desire to advise him, I will ask him the question again.

Do you honestly believe that if you gave a truthful answer to that question under oath, that a truthful answer might tend to incriminate you? That is with regard to the question of whether you are now president or have served as president of joint council 16.

(The witness conferred with his counsel.)

Mr. O'ROURKE. The answer is yes.

The CHAIRMAN. Thank you.

Go ahead.

Mr. GELB. Senator, may I make the observation the subject is not as simple at that. It isn't all black and white. There are some very interesting——

The CHAIRMAN. We are looking for something white around here.

Mr. GELB. I know, but there are some very interesting historical events concerning the invoking of the privilege. I could tell you a very interesting story about it which would put this in proper perspective.

The CHAIRMAN. Well, I believe it is in proper perspective. I can tell you my position. I will maintain that position until some court tells me I am wrong.

I do not believe a witness can just capriciously take the fifth amendment and refuse to answer any question and I do think a witness should be required and can be required to state that he honestly be-

lieves that a truthful answer to a question might tend to incriminate him.

Otherwise, I think he would be invoking it capriciously if he could not state that. That is the position I have taken. I believe the committee has sustained me on it.

All right, proceed.

Mr. ADLERMAN. Mr. O'Rourke, you say that you refuse to answer any questions regarding the chartering of the paper locals. You refuse to commit yourself on that.

Will you tell the committee whether or not you had any discussions regarding the chartering of these paper locals with Mr. Mohn?

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. ADLERMAN. And may I ask whether or not you had any conversations regarding the chartering of these paper locals with Mr. James Hoffa?

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

(The witness conferred with his counsel.)

Mr. ADLERMAN. Did you ever discuss this question with Mr. Harold Gibbons?

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Do you recall whether or not you made some telephone calls to Mr. Mohn and to Mr. Hoffa at about the time these charters were made?

Mr. O'ROURKE. I refuse to answer that question on the same grounds as the previous question.

Mr. ADLERMAN. For the purpose of the record, of course, the charters were issued on November 8, 1955. I would like to ask you specifically whether or not you made any calls at about that time to Mr. Mohn, Einar Mohn; that is, on November 9, 1955.

Mr. O'ROURKE. I refuse to answer the question on the grounds it may tend to incriminate me.

The CHAIRMAN. Do you know Mr. Mohn?

Mr. O'ROURKE. I refuse to answer the question on the grounds it may tend to incriminate me.

The CHAIRMAN. Let me see. What is his position in the international teamsters?

Mr. ADLERMAN. He was executive assistant to the president, Mr. Beck, and he is vice president of the International Brotherhood of Teamsters.

The CHAIRMAN. Do you know Dave Beck?

Mr. O'ROURKE. I refuse to answer the question on the grounds it may tend to incriminate me.

The CHAIRMAN. Do you know John English?

Mr. O'ROURKE. I refuse to answer on the grounds—the question on the grounds it may tend to incriminate me.

The CHAIRMAN. Do you know Johnny Dio?

Mr. O'ROURKE. I refuse to answer the question on the grounds it may tend to incriminate me.

The CHAIRMAN. Do you know Harold Gibbons?

Mr. O'ROURKE. I refuse to answer the question on the same grounds as the previous question.

The CHAIRMAN. Do you know Anthony "Ducks" Corallo and Sam Goldstein? The two men who preceded you on the witness stand?

Mr. O'ROURKE. I refuse to answer that question, Senator, on the grounds it may tend to incriminate me.

The CHAIRMAN. Proceed with your telephone calls. I just want to see if he knew any of them.

Senator Mundt?

Senator MUNDT. I would like to call to the attention of the witness the fact that on these placards in back of the committee, is a list of many of the officers and organizers of the labor unions in the city of New York in which he has been involved, according to the charges before this committee.

Alongside the right-hand columns of each of these characters involved in this mare's-nest of union activities in New York City, you will find the various dates of their arrests, the charges for which they were indicted, and, in many cases, the dates and times of their penitentiary sentences.

I had hoped and believed and want to hope and want to believe, that you are cut out of a little different pattern of cloth from these crooks, racketeers, cheats, and chislers who have been in the labor-union movement with you according to the evidence we have. So I direct you this question:

Do you have a criminal record, Mr. O'Rourke?

Mr. O'ROURKE. I refuse to answer—

(The witness conferred with his counsel.)

Senator MUNDT. If you can say no to that, you can help yourself a lot more by saying no than by ducking behind the fifth amendment.

Mr. O'ROURKE. No.

Senator MUNDT. Did you say no?

Mr. O'ROURKE. Yes.

Senator MUNDT. Thank you.

The CHAIRMAN. Proceed.

Mr. ALDERMAN. Mr. O'Rourke, just to keep this in context, about December 14 or 15, Mr. Lacey was sent notice to seat these paper locals at the joint council. Did you call Mr. Hoffa on two occasions just prior to the time Mr. Lacey was sent those notices?

Mr. O'ROURKE. I refuse to answer that question, Counsel, on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Did you have any conversations with Mr. Hoffa pertaining to the seating of those paper locals?

Mr. O'ROURKE. I refuse to answer that question on the ground it may tend to incriminate me.

Mr. ADLERMAN. Did you speak to Mr. Harold Gibbons in St. Louis at the same time, or within a day or two after that?

Mr. O'ROURKE. I refuse to answer that question on the ground it may tend to incriminate me.

Mr. ADLERMAN. And did you discuss with him at that time the seating of the paper locals?

Mr. O'ROURKE. I refuse to answer the question on the ground it may tend to incriminate me.

Mr. ADLERMAN. Did you ever discuss with them the purpose of seating those paper locals?

Mr. O'ROURKE. I refuse to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Did you know that those were phony locals when you arranged to get their votes?

Mr. O'ROURKE. I refuse to answer that question, Senator, on the ground it may tend to incriminate me.

The CHAIRMAN. Do you honestly believe that if you told the truth about it, it might incriminate you?

Mr. O'ROURKE. I refuse to answer the question, Senator, on the ground it may tend to incriminate me.

The CHAIRMAN. Read the question back.

(The pending question was read by the reporter.)

The CHAIRMAN. You have heard the question. You answered that by saying that you declined to answer on the ground the answer might tend to incriminate you. The Chair asks you the question, which I now repeat:

Do you honestly believe that a truthful answer to that question might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. O'ROURKE. I refuse to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. With the permission of the committee, and without objection from any member thereof, the Chair orders and directs you to answer the last question, as to whether you honestly believe that a truthful answer thereto might tend to incriminate you.

Mr. O'ROURKE. It may.

The CHAIRMAN. That is a little different. Why did you not say it in the first place? All right; proceed.

Mr. ADLERMAN. I have in my hand, Mr. Chairman, seven applications for charters, which I would like to introduce into evidence. I would like to call your attention to one that has been introduced into evidence, exhibit No. 13. I would like to call your attention to the notation made on the top of it.

The CHAIRMAN. You were not president of this joint council on November 8, 1955, were you?

Mr. O'ROURKE. I refuse to answer the question, Senator, on the ground it may tend to incriminate me.

The CHAIRMAN. I hand you here five applications for charters, addressed to John F. English, general secretary-treasurer, International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America. Each of them has a notation. They are all dated November 8, 1955, Each has a notation in pen and ink on the left-hand corner, showing that these charters were sent to you. There are six altogether, I believe. I ask you to examine these applications, the writing thereon, and state whether you received the charters of those applications applied for.

(The documents were handed to the witness.)

(The witness conferred with his counsel.)

Mr. O'ROURKE. I have examined the documents.

The CHAIRMAN. Do you recognize them?

Mr. O'ROURKE. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Did you receive those charters referred to there, as indicated by the penwriting in the left-hand corner of each application?

Mr. O'ROURKE. I refuse to answer that question, Senator, on the ground it may tend to incriminate me.

The CHAIRMAN. Is that because you knew the charters were tainted?

Mr. O'ROURKE. I refuse to answer that question, Senator, on the same ground as the previous question.

The CHAIRMAN. Well, I suppose you will say the same about this one. I hand you another one, which is already exhibit 13. I will make those documents that the witness has just examined exhibit 124-A, B, C, and D, and so forth.

(The documents referred to were marked "Exhibits Nos. 124-A through 124-F" for reference and will be found in the appendix on p. 4888-4893.)

The CHAIRMAN. I present exhibit No. 13 to the witness, which is another one, making the seventh of those bogus charters that we have had testimony about. I ask you to examine that one, and examine the pen notation in the left-hand corner of it, and state whether you recognize it.

(A document was handed to the witness.)

Mr. O'ROURKE. I have examined the document, Senator.

The CHAIRMAN. Do you recognize it?

Mr. O'ROURKE. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Did you get that charter?

Mr. O'ROURKE. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you feel that you have any obligation whatsoever to the union members that you represent?

Mr. O'ROURKE. I refuse to answer that question, Senator, on the grounds it may tend to incriminate me.

The CHAIRMAN. I cannot understand very well, and I don't think anyone else can understand, or conclude that to say you do feel you have an obligation to the membership, the working people who pay the dues to pay your salary, who place you in the position that you occupy with respect to labor, to the labor movement, and where you have the opportunity and where it is your duty to represent their interest and promote their welfare, I do not see how anyone could conclude that it could possibly incriminate you to say you felt some little bit of obligation to those people.

Mr. GELB. May I say, Senator—

The CHAIRMAN. I am going to ask you again: Do you feel any obligation at all to tell them about the affairs of their union?

Just a minute.

Mr. GELB. May I say something very briefly.

The CHAIRMAN. Just a minute. The witness will answer.

You can consult with your client, if you like.

Mr. GELB. May I say it is very difficult even for an experienced lawyer to advise a client to answer a question like that or not to answer a question.

The CHAIRMAN. You can advise him either way. It is your client.

Mr. GELB. It is not as simple as that. It is a question of whether or not one waives his rights. These questions—

The CHAIRMAN. He can answer it either way he wants to.

Mr. GELB. These questions may be calculated to trap a witness into waiving rights.

The CHAIRMAN. No, I think not. I am not trying to trap him, but I do want to know if we have labor unions or a segment of them stacked with officials who feel they have no obligation or responsibility to the membership of the union.

I have asked many of them this question.

Mr. GELB. Aren't you really asking for opinion evidence?

The CHAIRMAN. No. He knows whether he feels an obligation. It would not be an opinion. I am not asking for an opinion. I am asking him for a fact.

(At this point, Senator Mundt withdrew from the hearing room.)

Mr. O'ROURKE. Are you ready for the answer, sir?

The CHAIRMAN. I will be glad to have an answer.

Mr. O'ROURKE. I refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. All right. Proceed.

Mr. ADLERMAN. Mr. O'Rourke, I do not have the transcript before me, but you were questioned before Judge Palmieri in Federal court in New York about a year or so ago, and during the examination I understand certain questions were asked of you as to the practice and procedure of seating delegates.

You are quoted as saying that, "The procedures were all according to who you were, what side you were on, and who you were with."

Is that a correct statement of what your answer was before Judge Palmieri at that time?

Mr. O'ROURKE. I refuse to answer that question, Counsel, on the grounds that it may tend to incriminate me.

Mr. ADLERMAN. May I ask you if that is your idea of the correct procedure to be followed in seating delegates?

Mr. O'ROURKE. I refuse to answer that question, Counsel, on the grounds it may tend to incriminate me.

Mr. ADLERMAN. At another page in this transcript, a similar question was asked of you and the answer that I have here as a quote, and I do not have the transcript before me, but I would like to ascertain whether or not it is a correct statement was:

It was a question of who you were, what side you were on, where you were going to cast your ballots, where you were going to cast your weight, and that is the procedure.

Is that the procedure that you followed?

Mr. O'ROURKE. Counsel, I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Mr. O'Rourke, can you tell me who is the vice president of the joint council?

Mr. O'ROURKE. I refuse to answer, Counsel, on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Is it Mr. Leonard Geiger?

Mr. O'ROURKE. I refuse to answer, Counsel, on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Can you tell us where Mr. Leonard Geiger is at the present time?

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Can you tell us where he has been for the past month?

Mr. O'ROURKE. I refuse to answer that question, Counsel, on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Do you know that Mr. Geiger has been searched for by the United States marshal with a subpoena?

Mr. O'ROURKE. I refuse to answer that question, Counsel, on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Would you help us, Mr. O'Rourke, in trying to find Mr. Geiger?

Mr. O'ROURKE. I refuse to answer that question, Counsel, on the grounds that it may tend to incriminate me.

The CHAIRMAN. Let me ask you another question.

Do you subscribe to the principles and standards of conduct as set forth in the ethical-practices declaration adopted by the AFL-CIO?

Mr. O'ROURKE. I refuse to answer that question, Senator, on the grounds it may tend to incriminate me.

The CHAIRMAN. Are those principles a little bit too high a standard for you to subscribe to?

Mr. O'ROURKE. I refuse to answer that question, Senator, on the grounds it may tend to incriminate me.

The CHAIRMAN. Proceed.

(At this point, Senator Curtis entered the hearing room.)

Mr. ADLERMAN. Mr. O'Rourke, I would like to go to another subject at this time.

Simultaneously with the time that the joint council affair took place, and there was this movement to set you in the joint council through the paper locals, and your conferences with Mr. Hoffa on this subject, simultaneously with that time, was there a movement afoot to join up ILA, the International Longshoremen's Association, and the teamsters union?

Mr. O'ROURKE. I refuse to answer that question, Counsel, on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Just for the sake of the record, I would like to make clear here that on February 3, 1953, the American Federation of Labor Executive Council notified the International Longshoremen's Association to clean its ranks, to clean up the situation that was found in the longshoremen's union by the New York State Crime Commission, at which time they enumerated 5 or 6 different grounds, including the principal fact that the longshoremen's union was racket-ridden, that 30 percent of the officials of the longshoremen's union had criminal records, and so forth.

In September, on September 21, 1953, at the American Federation of Labor Convention, by a vote of 79,072 to 736 votes, the International Longshoremen's Association was expelled.

On September 25, 1953, Mr. Meany, the president of the American Federation of Labor, issued a new charter to the International Brotherhood of Longshoremen, at which time he appointed five members as trustees. They were Dave Beck, president of the International Brotherhood of Teamsters, Mr. William Doherty, of the letter carriers, Mr. Al Hayes, of the machinists, and Paul Hall, of the seafarers union.

These men pledged themselves to support the brotherhood of longshoremen, which was the AFL longshoremen's union, against the racket-ridden ILA, or the International Longshoremen's Association.

I understand, Mr. O'Rourke, that at a meeting held in May 1954, you were the only one who refused to go along and support the American Federation of Labor or longshoremen's union; is that a fact?

Mr. O'ROURKE. I refuse to answer that question, Counsel, on the grounds it may tend to incriminate me.

(At this point, Senator McNamara withdrew from the hearing room.)

Mr. ADLERMAN. Mr. O'Rourke, were you one of the prime movers, along with Mr. Hoffa, in arranging for an alliance agreement between the International Brotherhood of Teamsters Union and their conferences with the International Longshoremen's Association?

Mr. O'ROURKE. I refuse to answer that question, Counsel, on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Did you confer with Mr. Hoffa on a number of occasions before July 18, 1955, and with Mr. Bradley and Mr. Gleason and other members of the International Longshoremen's Association, about arrangements to join up the forces of the ILA and the teamsters by an alliance agreement?

Mr. O'ROURKE. I refuse to answer that question, Counsel, on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Did you and Mr. Hoffa, and certain other members of the International Brotherhood of Teamsters, while Mr. Beck was a trustee of the brotherhood union of the longshoremen, the AFL union, secretly meet and plan to have an alliance between the teamsters union and the American Federation of Labor?

Mr. O'ROURKE. I refuse to answer that question, Counsel, on the grounds that it may tend to incriminate me.

Mr. ADLERMAN. Mr. O'Rourke, did you sign an agreement with the International Longshoremen's Association on behalf of the Eastern Conference of Teamsters?

Mr. O'ROURKE. I refuse to answer that question, Counsel, on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Mr. Chairman, I hand you 2 agreements dated July 18, 1955. One is between the International Brotherhood of Teamsters and the Eastern Conference of Teamsters with the International Longshoremen's Association.

The second one is dated the same date and is between the Southern Conference of Teamsters and the International Longshoremen's Association.

Both of these contracts, Mr. Chairman, are alliance agreements to support each other.

I might say that they were only part of the agreements and there were some other agreements entered into at that time.

The CHAIRMAN. Did you understand counsel?

Mr. O'ROURKE. Yes, sir.

The CHAIRMAN. That is what these documents are?

Mr. O'ROURKE. Yes, sir.

The CHAIRMAN. The Chair hands you the one for the Eastern Conference of Teamsters, the contracts entered into between it and the International Longshoremen's Association. I ask you to examine it and state if you identify that document, a copy of the contract or compact agreement.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. O'Rourke. I have examined the document, Senator.

The CHAIRMAN. Can you read writing?

Mr. O'Rourke. Yes.

The CHAIRMAN. Will you read your signature on that contract?

Mr. O'Rourke. I refuse to read my signature on the grounds it may tend to incriminate me.

The CHAIRMAN. You admit it is your signature, as I understand it.

Mr. O'Rourke. I refuse to answer the question on the grounds it may tend to incriminate me.

The CHAIRMAN. Would you not be proud of that signature?

Mr. O'Rourke. I refuse——

(The witness conferred with his counsel.)

The CHAIRMAN. Do you mean you are not proud of it?

Mr. Gelb. Senator McClellan, do you seriously want an answer to that question?

The CHAIRMAN. Serious? Yes; I am serious. Who has any doubt about it? I want an answer. Is that your signature?

Mr. O'Rourke. I refuse to answer, Senator, on the grounds it may tend to incriminate me.

The CHAIRMAN. Would you look at another one?

That one may be made exhibit 125.

(The document referred to was marked "Exhibit 125," for reference and may be found in the files of the select committee.)

The CHAIRMAN. I hand you one for the southern conference; I believe you will find some familiarity in there. Would you examine it, please, and see if you can identify it.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. O'Rourke. I have examined the document.

The CHAIRMAN. Is there anything about the document that is familiar to you?

Mr. O'Rourke. I refuse to answer the question, Senator, on the ground it may tend to incriminate me.

The CHAIRMAN. You are taking the position, as I understand you, that your signature on the document may tend to incriminate you?

Mr. O'Rourke. It may.

The CHAIRMAN. Thank you.

Mr. Gelb. Senator McClellan, the exception I took was to the question "Are you proud of your signature?" That is the thing I had in mind.

The CHAIRMAN. Well, I thought he was. Maybe I am mistaken.

That last item may be made exhibit 126.

(The document referred to was marked "Exhibit 126" for reference and may be found in the files of the select committee.)

The CHAIRMAN. I want to ask you about some other names on that.

I believe those signing for the Southern Conference of Teamsters were Murray U. Miller and John O'Rourke. I might have thought that was Joe O'Rourke, unless you would care to clear it up for us.

Would you? Is that your name or Joe O'Rourke?

Mr. O'Rourke. I refuse to answer that question, Senator, on the grounds it may tend to incriminate me.

The CHAIRMAN. Do you know a Joe O'Rourke?

Mr. O'Rourke. I refuse to answer that question on the grounds it may tend to incriminate me.

The CHAIRMAN. Do you know Murray Miller?

Mr. O'Rourke. I refuse to answer that question on the grounds it may tend to incriminate me.

The CHAIRMAN. I see on here it is signed for International Longshoremen Association, Independent, by William B. Bradley. Do you know William V. Bradley?

Mr. O'Rourke. I refuse to answer the question on the same grounds as the previous question.

The CHAIRMAN. I see another signature here of Pat Connolly, executive vice president. Bradley seems to be president. Do you know him?

Mr. O'Rourke. I refuse to answer the question, Senator, on the grounds it may tend to incriminate me.

The CHAIRMAN. Then it is signed "Thomas Gleason," without any title. Do you know him?

Mr. O'Rourke. I refuse to answer the question on the grounds it may tend to incriminate me.

The CHAIRMAN. Let me see exhibit No. 125.

Now for the eastern conference, I find signatures here of Tom Flynn, chairman, per James R. Hoffa. Do you know Tom Flynn?

Mr. O'Rourke. I refuse to answer that question, Senator, on the grounds it may tend to incriminate me.

The CHAIRMAN. You would not by any chance know Mr. James R. Hoffa, would you?

Mr. O'Rourke. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. I see a name there again of John O'Rourke. Would that be you?

Mr. O'Rourke. I refuse to answer, Senator, on the grounds it may tend to incriminate me.

The CHAIRMAN. I see it is signed for the Longshoremen's Association by the same people who signed the other, and I believe you have already stated it might incriminate you to answer whether you knew them or not. Is that correct?

Mr. O'Rourke. Yes, sir.

The CHAIRMAN. That is correct.

(At this point, Senator Kennedy entered the hearing room.)

The CHAIRMAN. Are there any further questions?

Mr. ADLERMAN. Mr. O'Rourke, do you know Mr. James R. Hoffa?

Mr. O'Rourke. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Mr. O'Rourke, you are a labor leader of many years standing, and I think perhaps—well, I know you probably will not answer the question but I would like to know now whether you feel that the International Longshoremen's Association is an organization that has rid itself of the criminal element, whether it has cleaned up its ranks as requested by the American Federation of Labor, and for which refusal it was rejected or expelled from the American Federation of Labor.

Do you think there has been any change in the situation between the time it was expelled in 1953 and the time that you signed the agreement in July 1955?

Mr. O'Rourke. I must refuse to answer that question, Counsel, on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Mr. O'Rourke, at that time it was public information, published by the New York State Crime Commission, that over 30 percent of the officials of the International Longshoremen's Association had criminal records.

Did you know that fact?

Mr. O'ROURKE. I refuse to answer that question, Counsel.

Mr. ADLERMAN. Did you know that fact when you signed the alliance agreement?

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. ADLERMAN. Are you a personal friend and acquaintance of many of the officials of the longshoremen's union?

(The witness conferred with his counsel.)

Mr. O'ROURKE. I did not get the last question.

Mr. ADLERMAN. What was that?

Mr. O'ROURKE. I did not get the last question.

Mr. ADLERMAN. Are you a friend of many of the officials of the Longshoremen's Union, the International Longshoremen's Union?

Mr. O'ROURKE. I refuse to answer on the same grounds as the previous question.

(Members present at this point: Senators McClellan, Ives, Kennedy, Ervin, and Curtis.)

Mr. ADLERMAN. Do you think it was right and proper for a man to head up the joint council of New York on the basis or the support of people such as those who were supposed to be the delegates of those seven paper locals? Do you think that it was right?

Mr. O'ROURKE. I refuse to answer that question on the same grounds as the previous question.

Mr. ADLERMAN. Do you think it was right to take the support of such men?

Mr. O'ROURKE. I refuse to answer that question on the same grounds as the previous question.

Mr. ADLERMAN. You recognize that there was fraud in the inception of the organization of those seven paper locals?

Mr. O'ROURKE. I refuse to answer that question, counsel, on the same grounds as previously given.

Mr. ADLERMAN. Do you know Mr. Hoffa, Mr. Gibbons, and other members of the teamsters union that participated in that?

Mr. O'ROURKE. I refuse to answer the question, counsel, on the grounds it may tend to incriminate me.

The CHAIRMAN. Are there any further questions by any member of the committee?

Senator ERVIN. I would just like to ask if there is any activity which the witness has engaged in at any time that he could disclose to us without tending to incriminate himself?

Mr. GELB. Senator, may I answer that for a moment?

There are many things a witness may disclose without incriminating himself.

Senator ERVIN. We had one here the other day who invoked the fifth amendment when we asked him whether he was married.

Mr. GELB. Some people cannot draw the line. The point I want to make is the particular spot, the particular point, at which a witness may be deemed to have waived his right to rest on the privilege, is not easy to pick out.

Senator ERVIN. I agree with you; yes, sir.

Mr. GELB. There are many things that he can say, but whether or not he will be deemed to have waived his right becomes questionable.

In other words, some innocuous things may tend to furnish links in a chain of evidence that may be required to implicate a man.

Senator ERVIN. I would like to ask him if he can disclose any fact within his knowledge in reference to the activities of any of these locals concerning which inquiry has been made of him, which would not tend to incriminate him.

Mr. GELB. Privately, I think he could.

He said privately I think he could.

Senator ERVIN. Well, publicly, since this is a public hearing.

Mr. O'ROURKE. Do you want me to answer that, sir?

Senator ERVIN. Yes.

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

Senator ERVIN. You and your counsel do not agree. But that is not unusual.

Sometimes my clients did not agree with me.

Mr. GELB. May I make one more observation, Senator?

Strange as it may appear, there was a Lord Chief Justice of England, considered one of the outstanding, if not the greatest, who once invoked the privilege, in a very strange case.

Senator ERVIN. That is all.

The CHAIRMAN. Are we to assume from that that we have a strange case here?

Mr. GELB. No, no, no. I merely say——

The CHAIRMAN. Senator Curtis?

Mr. GELB. This is one of the most respected men in English law history, Lord Chief Justice Holt.

The CHAIRMAN. We do not want to investigate that now.

Go ahead, Senator Curtis.

Senator CURTIS. How long have you been in the labor movement?

Mr. O'ROURKE. I refuse to answer that question, Senator, on the grounds it may tend to incriminate me.

Senator CURTIS. How old are you now?

Mr. O'ROURKE. Fifty-seven.

Senator CURTIS. How long have you been connected with the Teamsters union?

Mr. O'ROURKE. Since 1914.

Senator CURTIS. Since 1914.

There is nothing about your entrance into the labor movement in 1914 that would incriminate you, was there?

Mr. O'ROURKE. Not that I know of.

Senator CURTIS. All of your union activity has been with the teamsters union?

Mr. O'ROURKE. I refuse to answer that question, Senator, on the grounds it may tend to incriminate me.

Senator CURTIS. I can get the information maybe another way. Have you been associated with the teamsters union in some capacity as a member, officer, or employee continuously since 1914?

Mr. O'ROURKE. I refuse to answer that question on the grounds it may tend to incriminate me.

Senator CURTIS. Do you know Dave Beck?

Mr. O'ROURKE. I refuse to answer that question, Senator, on the grounds it may tend to incriminate me.

Senator CURTIS. That is all.

The CHAIRMAN. Are there any other questions?

The witness may stand aside for the present. He may be recalled before the afternoon is over.

Call the next witness.

(Members present at this point: Senators McClellan, Ives, Kennedy, Ervin, and Curtis.)

Mr. KENNEDY. Mr. Goldstein and Mr. Corallo.

The CHAIRMAN. Mr. Goldstein and Mr. Corallo, will you resume the witness stand?

TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL, JOSEPH M. McDONOUGH; AND SAM GOLDSTEIN, ACCOMPANIED BY HIS COUNSEL, MICHAEL P. DIRENZO—Resumed

The CHAIRMAN. The Chair will say to the witnesses that we have another recording here that we would like you to hear, and hope that you may give us a little comment on this one, particularly.

All right.

(At this point Senator Kennedy withdrew from the hearing room.)

Mr. McDONOUGH. Will the Chairman note my objection?

The CHAIRMAN. Are there transcripts of it?

Mr. KENNEDY. Yes.

Mr. McDONOUGH. The Chair will note my objections, Senator McClellan?

The CHAIRMAN. Yes, sir. They have been noted each time.

Proceed.

(Transcript of telephone conversation between Sam Goldstein and Antonio Corallo on February 7, 1955, follows:)

SAM GOLDSTEIN. Tony, please.

MAN'S VOICE. Who's calling?

GOLDSTEIN. Goldy.

MAN'S VOICE. Goldy; hold it 1 minute.

GOLDSTEIN. He's got a phone call; right?

MAN'S VOICE. No; not at present.

GOLDSTEIN. Oh, all right. Just a minute.

ANTHONY CORALLO. Yeah.

GOLDSTEIN. Now I can talk to you.

CORALLO. Yeah.

GOLDSTEIN. I was called up today, you understand.

CORALLO. Huh?

GOLDSTEIN. Today he called me; he made a meet with me to come up to his office today.

CORALLO. Who?

GOLDSTEIN. Lacey.

CORALLO. Yeah.

GOLDSTEIN. On account of the money situation. Remember we got a letter to give him \$2,500 for the joint council and \$1,250 for the teamsters.

CORALLO. Ah, the eastern conference?

GOLDSTEIN. Yeah. So today I come and Johnny DeLury is sitting in there, too.

CORALLO. Yeah.

GOLDSTEIN. So before any of the conversation starts they popped me, but I got the checkbooks with me; you know, the two checkbooks. I show 'em we're not taking no money. Now, somebody put a complaint in again against us that we got two locals. We got 995 and we got this one, like, you know what I mean?

CORALLO. Yeah.

GOLDSTEIN. When are we stepping away? So now I started to give 'em that story. I says, "Listen, Marty; if we step away from 995 how are we going to support 239. Now here's the checkbooks; nobody has taken 10 cents out of this here in salary. What we're doing is that we're working off 995 to build on—and I give 'em a big, f—— story, you know.

CORALLO. Yeah.

GOLDSTEIN. Then, he busts in and he says, "Listen, can you help," he says, "my cousin?" I says, "Who's your cousin?" He says, "John DeLury." I says, "Marty, I didn't know he was your cousin." I says, "But even if he wasn't your cousin whatever help I could give him I'd be glad to give him."

He says, "Well, it's going to be a question are we going to take these f—— joints away or are they going to give them up nice and easy anyway." "But if you can do it," he says, "I'll appreciate it." I says, "Marty, even if you don't appreciate it, anything I could do—because after all, you've been very helpful and instrumental—" and I, you know, took care of him, Tone; you know.

CORALLO. Yeah.

GOLDSTEIN. But the windup is, Tone, instead of us paying \$2,500 and \$1,250, Tony, we're paying him \$175, Tony.

CORALLO. Yeah.

GOLDSTEIN. You understand?

CORALLO. Yeah.

GOLDSTEIN. So we saved roughly about \$3,800, we saved——

CORALLO. Yeah.

GOLDSTEIN. With the bull—— moves.

CORALLO. Yeah.

GOLDSTEIN. Because all he had to do is say, "Give me \$2,500" and there's nothing we could do about it.

CORALLO. So——

GOLDSTEIN. You know, instead of being in—so we're not only—then he stretched out on the phone; he got a hold of some guy, Sheridan, from the master—from the—ah—who's boss of the truckmen around New York who consummates all the deals. He's having them reached—ah, Wheels, Inc. He had—he got on the phone with Commissioner Mulrairie; he says, "Listen, you call up this outfit and tell them you're canceling the city work with them if they don't settle this here labor dispute." He went (inaudible)—he got him a lawyer who represents the association; he called them up and told them, "Listen, see that you get this f—— thing straightened up; it's a direct reflection on me." And he made like three important calls for us, you know what I mean, Tone.

CORALLO. Yeah.

GOLDSTEIN. Ah—that's our best friend in labor; you know what I mean, Tone.

CORALLO. Yeah.

GOLDSTEIN. Oh, he's our best friend, all right. So now here's the situation with this Aaron Kleinman and Johnny DeLury. They got a shop called Ruckers, Ruckers, or Rookers; there's 10 people there.

CORALLO. Yeah. How the h—— did they bring me into this picture?

GOLDSTEIN. Who do you think brought you in?

CORALLO. Who?

GOLDSTEIN. Who do you think?

CORALLO. You?

GOLDSTEIN. Are you crazy?

CORALLO. Who?

GOLDSTEIN. The other guy. DeLury. He must have known about you. Understand? That's why he didn't want to send no letter into the council; but in the meantime, he told Marty everything in person.

CORALLO. Yeah.

GOLDSTEIN. Now, as long as they know there's an—Anthony, I told him, "Marty, this is our vice president." Understand?

CORALLO. Yeah.

GOLDSTEIN. He seems too stationary; I say, "He knows these people very well and take it for what you want, Marty, this fellow is instrumental to us as much as you're instrumental to us, Marty." You know. He says, "Look," he says, "Sam, anybody that can help you, if it's me or this fellow Tony or anybody, that's good enough for me."

CORALLO. What? He don't know me?

GOLDSTEIN. Tony, I just said, "Tony"; I didn't say no last names.

CORALLO. Yeah.

GOLDSTEIN. Do you know what I mean?

CORALLO. Yeah.

GOLDSTEIN. So he says, "Everybody that can help is good all away along the line." I says, "Look, he's a good fellow I'm sure that if its a favor to you without you starting to make letters and issues about this, I'm certain anything he could do—and I think he can do something—he'll do it." All right, so that's where I left him. Now, here's this one joint Ruckers, Tony——

CORALLO. Yeah.

GOLDSTEIN. There in the middle; nobody signed it yet.

CORALLO. Yeah.

GOLDSTEIN. Let Klein—hello—hello——

CORALLO. Yeah.

GOLDSTEIN. Let Kleinman make the first step; let 'em give him that joint, like

CORALLO. Ah——

GOLDSTEIN. Because Kleinman can't get it anyway.

CORALLO. Why don't they replace them?

GOLDSTEIN. That's what I tried to tell 'em; why don't they replace them with——

CORALLO. What are they looking for? F—— people without being replaced.

GOLDSTEIN. Yeah. From 719. So he says, "Well, I can't do it," he says, "but I'll speak to Beagle." I says, "All right, Johnny, I tell you what you do before you see——" Johnny's going to Albany today for Lacey, you know what I mean?

CORALLO. Yeah.

GOLDSTEIN. So he'll be gone all day; he'll be back in the office—hello—8 o'clock tomorrow morning.

CORALLO. Yeah.

GOLDSTEIN. So in the meantime, he was going to make you a call any minute; that's why I jumped to the phone right away to call you.

CORALLO. O. K.

GOLDSTEIN. All right?

CORALLO. Yeah.

GOLDSTEIN. So now you know the whole story, Tone.

CORALLO. O. K.

GOLDSTEIN. All right?

CORALLO. Yeah.

GOLDSTEIN. Speak to you tonight?

CORALLO. Where's Max?

GOLDSTEIN. Max is out on Long Island—some auto—some automobile washing places.

CORALLO. Yeah.

GOLDSTEIN. Called us up, they want to go along with us; but they want to go along with that 995.

CORALLO. Listen, I got a call from some people; they want to meet me; they want to give you some people.

GOLDSTEIN. Aw, forget about them. I had Milt Silverman for an hour this morning.

CORALLO. What did he say?

GOLDSTEIN. He wants to be friendly and everything else and——

OPERATOR. Deposit 5 cents——

GOLDSTEIN. Just a minute, Miss. Just one second, Miss.

OPERATOR. Thank you.

GOLDSTEIN. This here lawyer Bau—hello—hello——

CORALLO. Yeah.

GOLDSTEIN. This lawyer—there's a lawyer by the name of Bowman (Bau-man)——

CORALLO. Yeah.

GOLDSTEIN. He's got about 8 or 10 or 12 joints that he's the—he's representing where we're working. He's the association lawyer for these, about 50, 60 joints. He's calling everybody under the sun to come and sign these joints up.

CORALLO. Well, that's what I got a call from some kid telling me I should call him; that he's got some people that want to come in.

GOLDSTEIN. Yeah; but everybody knows it's hands off until we get there, so any outfit that wants to go there knows that we're going to get the support of the council and they can't even go there if they want to.

CORALLO. All right. Call me later, or I'll call you at home tonight.

GOLDSTEIN. All right, Tone. Hello——

CORALLO. Yeah.

GOLDSTEIN. Later where? Where you are?

CORALLO. Yeah. Call me here about 3:30 or 4 o'clock.

GOLDSTEIN. All right, Anthony. So long.

CORALLO. Yeah.

(At this point Senator Ervin withdrew from the hearing room.)

(Members of the select committee present at this point in the proceedings: Senators McClellan, Ives, and Curtis.)

The CHAIRMAN. Mr. Goldstein and Mr. Corallo, do you wish to give us any explanation of that conversation?

Mr. CORALLO. I respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. GOLDSTEIN. Senator McClellan, I must respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Who is this fellow Kleinman?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. How about DeLury? You don't want to acknowledge him either, or identify him?

Mr. CORALLO. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. O. K.

TESTIMONY OF DETECTIVE NATALE LAURENDI—Resumed

The CHAIRMAN. Have you heard this recording?

Mr. LAURENDI. Yes, sir; I have.

The CHAIRMAN. Have you compared the transcript with it?

Mr. LAURENDI. I have.

The CHAIRMAN. Is the transcript correct?

Mr. LAURENDI. Yes, sir; it is.

The CHAIRMAN. The transcript may be printed in the record. What was the date of this conversation?

Mr. LAURENDI. February 7, 1955.

The CHAIRMAN. You have previously testified that you recognized the voices of the two witnesses, Corallo and Goldstein. Did you recognize their voices again on this recording?

Mr. LAURENDI. Yes, sir; I do.

The CHAIRMAN. Was this conversation held between them?

Mr. LAURENDI. Yes, sir; it was.

The CHAIRMAN. Are there any further questions?

TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL, JOSEPH M. McDONOUGH; AND SAM GOLDSTEIN, ACCOMPANIED BY HIS COUNSEL, MICHAEL P. DIRENZO—Resumed

Mr. KENNEDY. Were the per capita dues lowered following this conversation, from \$2,500 to \$175?

Mr. GOLDSTEIN. Sir, I must respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. At this period of time, did you look upon Marty Lacey as a friend of yours?

Mr. GOLDSTEIN. Sir, I must respectfully decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Could you tell the committee why you, as president of the local, were looking to Mr. Corallo, vice president of the local, for instructions in this matter?

Mr. GOLDSTEIN. Sir, I must respectfully decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Could you tell us what happened to Rutgers shop, to Rutgers, or, as you call it, the joint Rutgers, mentioned on page 5?

Mr. GOLDSTEIN. Sir, I must respectfully decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, we have made some investigation of this matter. There are two investigators that could summarize what happened following this conversation.

The CHAIRMAN. Do you want to put them on the stand now?

Mr. KENNEDY. Yes.

The CHAIRMAN. You may stand aside for the moment.

Call the other witnesses.

Mr. KENNEDY. Mr. May and Mr. Tierney.

TESTIMONY OF WALTER R. MAY AND PAUL J. TIERNEY—Resumed

The CHAIRMAN. Gentlemen, you have both been previously sworn. (Members of the select committee present at this point in the proceedings: Senators McClellan, Ives, and Curtis.)

The CHAIRMAN. Mr. Tierney and Mr. May, two staff members, both of whom have been previously sworn.

All right, Mr. Counsel, proceed to interrogate.

Mr. KENNEDY. Mr. Tierney, in this discussion in the recording that we just had, there is a discussion, and Mr. Goldstein says:

On account of the money situation—

that is why he went to see Lacey, and he says,

Remember we got a letter to give him \$2,500 for the joint council and \$1,250 for the teamsters?

And Corallo says, "Ah, the eastern conference?"

Are you familiar with that?

Mr. TIERNEY. Yes.

Mr. KENNEDY. Are you familiar with the letter they received?

Mr. TIERNEY. Yes, I am.

Mr. KENNEDY. Can you identify it?

The CHAIRMAN. The Chair presents to you what appears to be a carbon copy of a letter of October 4, 1954, from Martin T. Lacey, president, to Sam Goldstein, of Local 239, I. B. of T.

Will you examine that document and state if you identify it?

(A document was handed to the witness.)

Mr. TIERNEY. I identify this document, Mr. Chairman.

The CHAIRMAN. What is it?

Mr. TIERNEY. It is a letter dated October 4, 1954, from Mr. Martin T. Lacey, president of joint council 16, to Mr. Sam Goldstein, Local 239, International Brotherhood of Teamsters, 2155 Grand Concourse, Bronx, N. Y.

The CHAIRMAN. That seems to be a carbon copy and not the original letter.

Mr. TIERNEY. It is a carbon copy; yes, sir.

The CHAIRMAN. Where did you procure it?

Mr. TIERNEY. I procured this from the offices of joint council 16 in New York.

The CHAIRMAN. From their files?

Mr. TIERNEY. From their files.

The CHAIRMAN. That letter may be made exhibit No. 127.

(The document referred to was marked "Exhibit No. 127" for reference and will be found in the appendix on p. 4894.)

Mr. KENNEDY. Would you read the pertinent paragraph, please?

Mr. TIERNEY. The pertinent paragraph; that is, the second paragraph of the letter, reads:

Your financial obligations are as follows: Joint council dues and statistical assessment, \$2,500, based on the ratio of \$1 per year per member, payable immediately; and \$1,250, representing local 239's contribution to the Eastern Conference of Teamsters, based on the ratio of 50 cents per member payable immediately. Both checks are to be submitted here and we will forward the eastern conference check to Washington.

The CHAIRMAN. Is that what appears to have been settled for \$175 in this telephone conversation?

Mr. TIERNEY. That is correct, Mr. Chairman.

Mr. KENNEDY. That is what is referred to in this telephone conversation?

Mr. TIERNEY. That is what is referred to.

Mr. KENNEDY. Mr. Chairman, I believe Mr. Tierney has made an examination of the books to find out in fact if it was settled for \$175.

The CHAIRMAN. Have you made an examination of the records?

Mr. TIERNEY. I have, Mr. Chairman.

The CHAIRMAN. What records?

Mr. TIERNEY. I made an examination of the records of the secretary-treasurer of joint council 16. I examined the books which reflect cash receipts of per capita dues. They reflected that on February 17, \$175 was received. That is February 7, 1955—I am sorry—which happened to be the same day as this telephone conversation.

The CHAIRMAN. On the same day as the telephone conversation, there is an entry made in the books for \$175?

Mr. TIERNEY. That is correct.

The CHAIRMAN. Instead of \$3,750 called for by the letter?

Mr. TIERNEY. Well, actually instead of \$2,500 for the joint council, Mr. Chairman. The other \$1,200 would be to the eastern conference.

The CHAIRMAN. You only examine the joint council?

Mr. TIERNEY. The joint council; that is correct.

The CHAIRMAN. The other \$1,250 would be the eastern conference?

Mr. TIERNEY. That is correct.

The CHAIRMAN. So the joint-council account of \$2,500 was settled for \$175?

Mr. TIERNEY. That is correct.

Senator CURTIS. Who okayed this settlement for the joint council?

Mr. TIERNEY. It would appear from the telephone conversation, Senator Curtis, that it was Mr. Martin Lacey. We have no other evidence as to who O. K.'d it.

Senator CURTIS. And who O. K.'d it for the eastern conference?

Mr. TIERNEY. That I don't know. Presumably Mr. Lacey, according to this conversation.

Senator CURTIS. Did the eastern conference get any part of the \$175?

Mr. TIERNEY. I don't know. I doubt it. I don't know.

Senator CURTIS. Mr. Lacey was not in the Washington office of the teamsters?

Mr. TIERNEY. No. He was at that time president of joint council 16 in New York.

Mr. KENNEDY. The conversation seems to indicate further that with Mr. Lacey agreeing to the lowering from \$2,500 to \$175, there was to be an arrangement made in connection with a place called Rutgers. Is that correct, Mr. May?

Mr. MAY. Yes, sir.

Mr. KENNEDY. Have you contacted Rutgers to find out what the situation was there?

Would you tell us from your analysis of this conversation what seems to have been taking place, and then what you found did happen in connection with Rutgers?

Mr. MAY. From the telephone conversation it appears that Mr. Lacey is requesting Mr. Goldstein to turn over a particular shop to John DeLury. Mr. DeLury is an official of teamster local 719. We contacted Meyer Orol, who is a partner of Rutgers Metals, 145 Garden Avenue, Brooklyn, N. Y. Mr. Orol stated that his company, for a number of years, had a contract with local 512, Amalgamated local. That happens to be the predecessor of local 875 of the teamsters.

In 1954 the contract was absorbed by local 875, and that contract was in effect until, as Mr. Orol says, a little over 2 years ago.

Mr. KENNEDY. In other words, the contract had been with 875, which was controlled by Corallo during this period of time, in which Goldstein had this interest?

Mr. MAY. Yes, sir.

Mr. KENNEDY. And then about this period of time, according to the information that the official from Rutgers has given you, 875 gave up the contract and it went over to—

Mr. MAY. That is right. A little over 2 years ago the contract was transferred to local 719, Mr. DeLury's union.

Mr. KENNEDY. Mr. DeLury's outfit which is discussed here, and which Mr. Lacey describes as his cousin?

Mr. MAY. That is right.

Mr. KENNEDY. There is also some information in here indicating that Mr. Goldstein and Mr. Corallo were financing the operations of 239 of the teamsters with the funds of 995 of the UAW-AFL.

TESTIMONY OF ANTONIO CORALLO, ACCOMPANIED BY HIS COUNSEL, JOSEPH M. McDONOUGH; AND SAM GOLDSTEIN, ACCOMPANIED BY HIS COUNSEL, MICHAEL P. DIRENZO—Resumed

Mr. KENNEDY. Did you have any permission to intermix the funds, Mr. Corallo?

Mr. CORALLO. I decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. You were using the members' dues of local 995, UAW-AFL to finance the beginnings of local 239 of the teamsters; is that right?

Mr. CORALLO. I decline to answer on the grounds it might tend to incriminate me.

The CHAIRMAN. Did you ever make an accounting for a dollar that you handled from a union?

Mr. CORALLO. I respectfully refuse to answer on the grounds it may tend to incriminate me, sir.

The CHAIRMAN. You don't think the members are entitled to an accounting?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Is there anything further?

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Corallo, you heard the explanation of, and the inferences drawn from, this telephone conversation by the two men from our staff who just testified; did you not?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

Senator CURTIS. I asked you if you heard it.

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

Senator CURTIS. I haven't asked you to comment on it. I want to know if you heard it.

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

Senator CURTIS. Were the inferences that they drew from the meaning of that telephone conversation correct?

Mr. CORALLO. I respectfully decline to answer on the grounds it may tend to incriminate me.

Senator CURTIS. That is all, Mr. Chairman.

Mr. McDONOUGH. Mr. Chairman, just to make our position clear, through the good efforts of my assistants, Mrs. Dorothea Sutcliffe and my daughter, Miss Ellen McDonough, I wish to cite one of the late cases explaining our position, *Maffie v. the United States* (209 Fed. 2d 225).

This is a case connected with the famous Brinks robbery in Boston, and quoting the court in that decision, the court said:

Our forefathers made a judgment and expressed it in our fundamental law * * *

The CHAIRMAN. Mr. Lawyer, you make any objection you want to. I do not care to have a lot of citations. This committee is operating under the authority of the United States Senate. We are trying to keep the testimony substantially along the lines of that that might be admissible in court. There are some parts of it that we know would not be admitted in court. We receive it because it does give us information. We try to be fair to the witnesses and present it in their presence and give them an opportunity to deny it.

So arguing court decisions will not change this situation.

Mr. McDONOUGH. Except this, Mr. Chairman, I think that this legislative body has to recognize the laws of the United States and the decisions of the Supreme Court.

The CHAIRMAN. We do recognize them, and under the laws of the United States, this committee has a right to call witnesses in here and make the inquiries of them which we are making.

Mr. McDONOUGH. Obviously comment has been made by the members of the committee as to the stand taken, as to the position taken, by these witnesses.

I particularly quote the case of *Marcello v. The United States*, in which a witness was summoned before the Kefauver committee, and the court had something to say about the position taken by that witness, which I think, naturally, the committee should take cognizance of.

In that case they said this:

The appellant Marcello had been described in the press as a crime czar, as the Louisiana head of the infamous Black Hand Society and as the No. 1 gangster and racketeer in Louisiana. Marcello was summoned as a witness before the United States Senate investigating committee, charged broadly with an investigation of whether organized crime utilizes the facilities of interstate commerce or otherwise operates in interstate commerce in furtherance of any transactions which are in violation of the law of the United States or the State in which the transactions occur.

The CHAIRMAN. Is that where the man went up for contempt?

Mr. McDONOUGH. Yes; it is, Mr. Chairman.

The CHAIRMAN. We have not preferred any contempt charges against your client. You can make your argument then.

Mr. McDONOUGH. For the record we wish to state our position, so that later on there will not be any question about it, and we feel it should be brought to the attention of this committee.

The CHAIRMAN. It has been brought to the attention of the committee.

The witnesses may now stand aside. We will call some more.

Just a moment, gentlemen, and we will determine whether you can be excused now.

(Members of the select committee present at this point in the proceedings: Senators McClellan, Ives, and Curtis.)

The CHAIRMAN. All right, gentlemen, you may stand aside for a few moments. We are going to hear some more testimony, and you may be interested in it. You stay available.

Mr. Martin Lacey, come forward, please.

Will you be sworn? You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LACEY. I do.

TESTIMONY OF MARTIN T. LACEY, ACCOMPANIED BY COUNSEL, MAX H. FRANKEL

The CHAIRMAN. Be seated, please. Mr. Lacey, will you state your name, your place of residence, and your business or occupation, please, sir?

Mr. LACEY. Martin T. Lacey, L-a-c-e-y, 898 Washington Avenue, Westwood, N. J. I am president of the Central Trades Labor Council, AFL; secretary-treasurer and business manager of local 816; vice president of the New York State Federation of Labor, AFL.

The CHAIRMAN. Thank you very much. You have counsel with you, Mr. Lacey?

Mr. LACEY. Yes, sir.

The CHAIRMAN. Counsel, will you identify yourself for the record, please?

Mr. FRANKEL. My name is Max H. Frankel, 305 Broadway, a member of the New York bar.

The CHAIRMAN. Thank you very much.

All right, Mr. Counsel, you may proceed.

Mr. KENNEDY. Mr. Chairman, Mr. Lacey has not been well. He has just come out of the hospital, and we will attempt to expedite this matter as much as we can.

The CHAIRMAN. All right. We will try to show you every consideration, Mr. Lacey.

Mr. LACEY. Thank you.

Mr. KENNEDY. Mr. Lacey, I want to find out, first, if you have any comment to make on the telephone transcription that has just been played concerning the dues that were due from local 875, the per capita dues payments of dues from local 875.

Mr. LACEY. I don't know anything about it.

Mr. KENNEDY. Excuse me. Local 239 of the teamsters.

Mr. LACEY. That is right.

Mr. KENNEDY. You do not know anything about it?

Mr. LACEY. No, sir.

Mr. KENNEDY. Did you have a conversation with Mr. Goldstein about it?

Mr. LACEY. No, sir.

Mr. KENNEDY. You never did?

Mr. LACEY. The only conversation I had with him was at the time that he made application on the charter, when he got a potential membership of 2,500 members. I was under the impression that, in view of the fact that he had a local union coming in, the balance of those men whom he explained he couldn't transfer in right away, until such time as he got straightened out with court litigations and some finances that they had regarding welfare and some other litigations—

Mr. KENNEDY. Why did you lower it from \$2,500 to \$175?

Mr. LACEY. I have no power to lower it. When I read that, I told him that is what it would be.

Mr. KENNEDY. How much did you charge him, then? \$2,500?

Mr. LACEY. I have no authority to charge him. I notified him that is what he would have to pay.

Mr. KENNEDY. \$2,500?

Mr. LACEY. That is right. According to the application. I was under the assumption he had those men.

Mr. KENNEDY. That was the first letter that was written. Then, according to this transcription that has been played, there was a conversation that was held between you and Goldstein, and that Goldstein then obtained from you the permission to only pay \$175.

Mr. LACEY. I never had such a conversation. I haven't got the authority to make any deals with anybody regarding their per capita or their dues.

Mr. KENNEDY. Then that local only paid \$175 after that. Can you explain that?

Mr. LACEY. They paid nothing.

Mr. KENNEDY. Can you explain why the local only paid \$175?

Mr. LACEY. They must have paid it into the joint council, the joint council 16; not to me.

Mr. KENNEDY. What was your position? What was your position in joint council 16 at the time?

Mr. LACEY. I was president.

Mr. KENNEDY. The letter went out to local 239 that they were to pay \$2,500 to joint council 16. According to the transcript of the conversation Mr. Goldstein had a conversation with you and you agreed that he would only have to pay \$175 to joint council 16.

Mr. LACEY. I had no conversation with Mr. Goldstein whatever about the question of dues, none whatever but when the application first came in.

Mr. KENNEDY. Can you explain to the committee why a letter went out to him requesting him to pay \$2,500 to joint council 16 and he only paid \$175 to joint council 16?

Mr. LACEY. Well, he claimed he didn't have the money, and he was paying so much—as a matter of fact, I believe——

Mr. KENNEDY. To whom did he claim that?

Mr. LACEY. Sir?

Mr. KENNEDY. To whom did he claim that?

Mr. LACEY. He claimed that to me, that he didn't have the money immediately, that it was tied up in 995, of which I was under the impression there were over 2,000 men in it and they were going to come over to local 239.

However, he was sending in a typewritten report monthly of his progress in organizing, and the additional men that he was making, and in addition he was sending in money as he went along. That, I don't check. The secretary-treasurer of the joint council 16, Louis Lufrano, is the man that does that checking.

Mr. KENNEDY. Then based on the conversation that he had with you, his description of the straits that they were in financially, you did agree that he would not have to pay the full \$2,500 at that time?

Mr. LACEY. Not down, that is right. He didn't have the money.

Mr. KENNEDY. That he only had to pay \$175?

Mr. LACEY. I didn't mention—I don't remember, sir, about any certain amount of money.

Mr. KENNEDY. You just knew that because he did not have the membership; he did not have the finances; he could not pay that \$2,500?

Mr. LACEY. That was my impression.

Mr. KENNEDY. 995 operated through 1954, 1955, and 1956. The charter wasn't lifted until 1956.

Did you allow them to operate with the teamsters?

Mr. LACEY. I have no knowledge of 995. I have no relationship with the automobile setup whatsoever.

Mr. KENNEDY. You just said that you knew they had 995 and were going to transfer members over?

Mr. LACEY. No; he stated that whole union, and that charter was approved by the international union.

Mr. KENNEDY. Did you ever check to find out whether those members were transferred over from 995 to 239?

Mr. LACEY. I didn't have any opportunity for that, because down came the question of the election in January of 1956, and then from then on between court litigations and sickness, I didn't have any chance to do anything. But the records will show that every month that he

had sent in a report and the progress that he was making on his organizing program. While I am on the subject——

Senator CURTIS. Who was he talking about, about the progress he was making?

Mr. LACEY. Goldstein of 239.

Sir, you don't deal with the individual local union. You deal with the individual, either the secretary-treasurer or the president of that local union.

Mr. KENNEDY. Do you remember discussing with him about DeLury and getting him this Rutgers Shop. Do you remember having any conversations with him about that?

Mr. LACEY. I don't remember. It is possible. It could be possible on a question on jurisdiction. That I just don't know of. My official position was to try to straighten out all jurisdictional questions, and they were straightened out in my office. I was never in the field to investigate personally just the difference of what arguments there were on it.

I asked them into the office in an endeavor to mutually straighten the matter out.

Mr. KENNEDY. I want to get into these so-called locals that were set up.

Mr. LACEY. Sir?

Mr. KENNEDY. The so-called—what are we going to call them?

The CHAIRMAN. I stated the other day I had a telegram, but it was actually a letter, from some international, I think, of the papers union or paper mills, whatever they represent, stating they were afraid the public might get the impression when we referred to paper locals, that we were talking about locals in their international union. They asked us to call them something else. I have been trying to remember to call them phony locals or something else rather than paper locals.

Mr. LACEY. That would be more appropriate.

The CHAIRMAN. We certainly do not mean to reflect upon that other international organization or any member of it when we use the term paper locals. We will try to remember to call them phony locals.

Mr. KENNEDY. Phony is the word?

The CHAIRMAN. I do not think you can dispute the word "phony."

Counsel suggested to me that we call them disputed locals, but I do not think you can very well dispute by this record that they were phony locals.

Mr. LACEY. Might I suggest that you call them rubber ones?

The CHAIRMAN. We had one that bounced along.

Mr. LACEY. Nearly all of these have been bouncing and stretching.

The CHAIRMAN. All right. We will call them phony for the present.

Mr. KENNEDY. Could you tell us, Mr. Lacey, when you first heard about these locals, these phony locals, in connection with their request to be seated in the joint council?

Mr. LACEY. Yes, sir. On the day of December 1, 1955, joint council 16 run a dinner in the Commodore Hotel for Mr. Beck. I attended—I hadn't been at the office for several days. At the same time of the starting of the dinner for Mr. Beck, which was authorized by the council, there was also the amalgamation of the CIO and the AFL, which was due a few days before. I hadn't gone back to the office for a full week.

On the first day or the second day of December—I think it was the first day of which the dinner, my secretary, Miss McHugh, had run short of tickets for the dinner, and she had gone back to the office to pick up some more tickets. When she went back, she found some 3 or 5 letters.

I have a photostat copy of those letters.

She called me on the wire and told me she had them in the office. I told her to “leave them there until I get back.”

That dinner, I think, was on a Thursday, the 1st of December.

The following Monday was the 5th, the opening of the amalgamation or merger of the AFL-CIO, which was held in the 71st Armory. I say I wasn't back in the office for the simple reason it necessitated a lot of setting up, technical points, having the place arranged, and at the last minute we forgot to bring a piano in the place. We don't remember it until a Sunday.

We had to get a truckman, a union truckman, by the way, out at 6 o'clock Monday morning so that we can get the piano into the armory early enough to start the merger convention.

Mr. KENNEDY. Mr. Lacey, could I just suggest, if you don't feel too well, we don't have to go into every detail. Just if we can get whatever the pertinent facts are regarding these locals.

(The witness conferred with his counsel.)

Mr. KENNEDY. Maybe it would be better for you to wait until tomorrow and get a rest.

Mr. LACEY. The only reason I give you that is the reason why I wasn't at the office attending business.

I told Miss McHugh to hold the letters until I got back.

The following Monday I got there, and I read the letters and I think after reading the letters, with copies of them here, and I believe you have them—

The CHAIRMAN. Let me help you there and shorten it.

Mr. Lacey, I hand you here exhibits 100, 100-A, and 100-B, 101, and 100-C. They are exhibits in the testimony. See if those exhibits are four of the letters that you refer to, or copies thereof. That will help you by just identifying those.

(Documents handed to witness.)

Mr. LACEY. Yes, sir.

The CHAIRMAN. Now I hand you two others that we have that have not been made exhibits. They are dated November 29, 1955, one of them is, and the other one is November 30, 1955. The one dated November 30 is from John McNamara, secretary-treasurer of local 295, and the other, dated November 29, 1955, is signed by Harry Reiss, secretary-treasurer of local 284. Please examine these two and state if they are like the copies you have and if you recognize them.

(Documents handed to witness.)

Mr. LACEY. Yes, sir.

The CHAIRMAN. They may be made exhibits 128 and 128-A.

(The documents referred to were marked “Exhibits 128 and 128-A,” for reference and will be found in the appendix on pp. 4895-4896.)

The CHAIRMAN. Thank you very much.

That helps you about the letters.

All right, Mr. Counsel, you may proceed.

Or you may proceed, if you have not finished your answer.

Mr. LACEY. All that week we were over at the 71st in the completion of the merger, and the following Monday morning I was back to my office and I believe it was an executive board meeting was called on December 12, 1955, to report to the executive board the letters that I received requesting these individuals to be seated.

I explained the letters, and at the same time presented the letters to the officers so that they can pass them around—there are 7 on the executive board, and, at that time, 4 on the advisory committee—to pass them around to see if they could identify anybody on these contracts.

Only 1 man identified 1 name. I am sorry the man is dead.

The only name was partially—it wasn't positively identified. It was the name of Davidoff.

The executive board went on record that in view of the fact that these came in as letters, and we don't have a copy of the application for a charter, that the matter lay on the table.

(At this point, Senator Kennedy entered the hearing room.)

Mr. LACEY. They instructed me as the president to send a letter to Mr. Beck requesting an explanation in view of a letter of understanding that we had from his international union signed by Einar Mohn under date of June 16, 1954, whereby, in a four-page letter, he promised not to issue charters unless they took the matter up with the joint council.

The CHAIRMAN. These charters had not been taken up with you as president of the joint council?

Mr. LACEY. No, sir.

The CHAIRMAN. Will you identify this original letter that you have just mentioned? It is dated June 16, 1954. Your letter was dated what?

Mr. LACEY. June 16, 1954. I have a photostatic copy.

The CHAIRMAN. You got a letter from Mr. Einar Mohn?

Mr. LACEY. That is right.

(At this point, Senator Ervin entered the hearing room.)

The CHAIRMAN. I present to you what I believe to be is the original of the one of which you say you have a photostatic copy of. Will you examine it and state whether you identify it as the original letter about which you are testifying?

(Document handed to witness.)

Mr. LACEY. Yes, sir.

The CHAIRMAN. You do identify it?

Mr. LACEY. Yes, sir.

The CHAIRMAN. That may be made exhibit 129.

(The document referred to was marked "Exhibit 129," for reference and will be found in the appendix on pp. 4897-4900.)

The CHAIRMAN. Now you may refer to any pertinent part of it, if you desire.

Mr. LACEY. The executive board after going on record of refusing to seat them, tabled the applications or, as we call them, credentials, to table them, and for me to contact or send a letter to Mr. Beck, requesting a copy of the applications of the charters and giving the jurisdiction.

I want you to bear in mind that the question of jurisdiction is primary, because all of these local unions, with the exception of one, have the same name.

It would conflict with the various other local unions that had already been seated in our council.

The CHAIRMAN. So in the first instance, you had been completely ignored in the granting of the charter?

Mr. LACEY. Yes, sir.

The CHAIRMAN. And those charters, under the letter from Mr. Mohn, the agreement that you had, they were supposed to come through your office, the applications, before charters were granted?

Mr. LACEY. That is right.

The CHAIRMAN. That was so that you would be informed of what was going on within your council jurisdiction?

Mr. LACEY. That is right.

The CHAIRMAN. They bypassed you to get the charter?

Mr. LACEY. Yes, sir.

The CHAIRMAN. You never heard of them until after they were issued and until you heard of these letters being sent to you asking you to seat them?

Mr. LACEY. You say I never knew until they were issued. I don't even know yet whether they were issued. I never got the answer from Mr. Beck yet.

The CHAIRMAN. Well, if they were issued, you never knew it?

Mr. LACEY. That is right.

The CHAIRMAN. All right.

Mr. LACEY. I called a meeting the following evening, which was the regular time, second Tuesday of the month. At this meeting we took the same matter up, and the recommendation of the executive committee was concurred in unanimously.

(The witness conferred with his counsel.)

Mr. LACEY. The council special meeting on the 13th confirmed the action of the executive committee, which was a unanimous vote all over, that these letters be on the table until such time as I got an answer to my letter, as instructed by the council and the executive board, to forward on to Mr. Beck for him to explain the question of the granting of the charters, that we wanted a copy of the application and explain its jurisdiction.

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. KENNEDY. Mr. Chairman, we have the minutes of the meeting of December 12, 1955, and the minutes of the meeting of December 13, 1955.

Senator IVES. I will send those over to Mr. Lacey and he can examine them and see if he recognizes them.

(The documents were handed to the witness.)

Senator IVES. That first one is December 12, 1955.

(The witness conferred with his counsel.)

Mr. LACEY. Yes, sir.

Senator IVES. That will be exhibit No. 130.

(The document referred to was marked "Exhibit No. 130" for reference and will be found in the appendix on pp. 4901-4903.)

Senator IVES. Now, I send to you the minutes of December 13, 1955. Will you kindly examine those?

(The documents were handed to the witness.)

Mr. LACEY. Yes, sir.

Senator IVES. That will be exhibit No. 131.

(The document referred to was marked "Exhibit No. 131" for reference and will be found in the appendix on pp. 4904-4907.)

Mr. KENNEDY. The situation at this time, then, was that despite the agreement that had been made in June of 1954 that any charters that were granted in the New York area would go through the joint council and through the general organizer, despite that agreement in May of 1954, these charters had been granted to individuals whom nobody on the joint council could identify; is that correct?

Mr. LACEY. That is right.

Mr. KENNEDY. And you were not even aware at that time who were the applicants for those charters?

Mr. LACEY. Well, it was my duty to inquire—

Mr. KENNEDY. At that time, you did not even know who the applicants for the charters were?

Mr. LACEY. No, sir.

Mr. KENNEDY. The only officer that could be identified on any of the charters was just one officer; is that right—Harry Davidoff?

Mr. LACEY. That's right.

Mr. KENNEDY. So at that time the executive board decided to get in touch with the international president down here and find out who had applied for these charters and who these people were; is that right?

Mr. LACEY. That's right.

Senator CURTIS. About when did you write Mr. Beck?

Mr. LACEY. A copy of the letter I got here, dated December 15, 1955.

Senator CURTIS. When did he answer?

Mr. LACEY. He hasn't answered yet. I received a telegram—

Senator IVES. Just a minute, Mr. Lacey.

I have in my possession a letter signed by you and addressed to Mr. Dave Beck, general president, International Brotherhood of Teamsters, dated December 15, 1955, which I assume is the original of the copy you have.

I send it to you for identification.

(A document was handed to the witness.)

(At this point Senator McClellan entered the hearing room.)

Mr. LACEY. Yes, sir.

The CHAIRMAN. That may be made exhibit No. 132.

Senator CURTIS. Is that unusual, that your letters to the international directed to Mr. Beck, were not answered?

Mr. LACEY. That's right. I might say on the subject that a copy of that letter, so we could get the information, or it wouldn't be bypassed, we sent the original to Mr. Beck, a copy to Mr. Einar Mohn and a copy to Mr. Tom Flynn and a copy to the organizer in the area, who was Tom Hickey.

Senator CURTIS. The two that you mentioned other than Mr. Hickey were in the international office here in Washington?

Mr. LACEY. Yes, sir. I inquired of Mr. Hickey and he knew nothing about it.

Senator CURTIS. Did any of those other men answer?

Mr. LACEY. Sir?

Senator CURTIS. Did you get an answer from anybody?

Mr. LACEY. No, sir. The only answer I got was under date of January 9. Things were pretty hot then. Not the weather. I got a telegram from Mr. Einar Mohn, dated January 9.

The CHAIRMAN. Will you suspend a moment until I read into the record your letter to Mr. Beck, about which you are talking?

Mr. LACEY. Yes, sir.

(The document referred to was marked "Exhibit No. 132" and follows:)

The CHAIRMAN. I will read it into the record. It is on joint council No. 16 stationery and it is dated December 15, 1955, to Mr. Dave Beck, general president, International Brotherhood of Teamsters, 25, Louisiana Avenue NW., Washington, D. C.:

DEAR SIR AND BROTHER: Please find six photostatic copies of letters received at this office wherein local unions unknown to us request the seating of delegates.

In view of our understanding regarding the issuing of charters, I am writing to you for more information on this matter, and request further that if charters have been issued to these locals, copies of their applications be forwarded to this office.

Trusting you will give this matter your immediate attention, I remain,

Fraternally yours,

MARTIN LACEY, *President.*

This letter shows that copies were sent to: E. Mohn, T. Flynn, and T. Hickey. It has six enclosures.

Mr. LACEY. Yes.

The CHAIRMAN. You were giving an explanation, but I wanted to get this letter into the record. I may say at this time I believe that we cannot conclude with you tonight, so I think you had better take a rest.

We will recess over until 11:30 tomorrow morning, to give you plenty of time to rest.

Mr. LACEY. All right, sir.

The CHAIRMAN. Is that satisfactory?

Mr. FRANKEL. That is satisfactory.

May I thank the committee for their indulgence with Mr. Lacey. He has not been well.

The CHAIRMAN. Thank you. We recognize that.

Therefore, the committee will stand in recess until 11:30 tomorrow morning.

(Present at the taking of the recess were Senators McClellan, Ives, Ervin, Kennedy, and Curtis.)

(Whereupon, at 5:03 p. m., the hearing in the above-entitled matter was recessed, to reconvene at 11:30 a. m., on the following day.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

FRIDAY, AUGUST 16, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 11:30 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senators John L. McClellan, Democrat, Arkansas; Irving M. Ives, Republican, New York; John F. Kennedy, Democrat, Massachusetts; Pat McNamara, Democrat, Michigan; Karl E. Mundt, Republican, South Dakota; and Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; Paul J. Tierney, assistant counsel; Walter R. May, assistant counsel; Robert E. Dunne, assistant counsel; P. Kenneth O'Donnell, assistant counsel; Frank Lloyd, investigator; and Ruth Young Watt, chief clerk.

(Members of the select committee present at the convening of the session: Senators McClellan, Ives, and Kennedy.)

The CHAIRMAN. The committee will come to order.

Mr. Lacey, will you take the witness stand, please?

TESTIMONY OF MARTIN T. LACEY, ACCOMPANIED BY HIS COUNSEL, MAX H. FRANKEL—Resumed

Mr. KENNEDY. Mr. Lacey, we were discussing these locals, these phony locals that were chartered at the end of 1955, and you testified yesterday, I believe, that you received letters from them in early December of 1955, requesting to be seated in the joint council, that you had never heard of any of these locals, that you and the executive board took the letters up, that you had never heard of any of the names of the officers that were listed, and that these charters, evidently, had been issued by the international without your knowledge and without the knowledge of Mr. Hickey, who was general organizer in that area at that time, and who was vice president of the teamsters.

Mr. LACEY. Yes, sir.

(At this point, Senator Curtis entered the hearing room.)

Mr. KENNEDY. And that this procedure that had been followed by the international had been in violation of the agreement that the international had made with joint council 16 in 1954 in a letter that had been written by Dave Beck to joint council 16 on June 16, 1954,

that they would always go through the joint council before issuing charters.

Mr. LACEY. Yes, sir.

Mr. KENNEDY. So, then, after you took the step of writing to Mr. Beck requesting the charter applications for these various locals; is that correct?

Mr. LACEY. That last remark I didn't get, that last question.

Mr. KENNEDY. You took a step, then, that was supported by your executive board, of writing to Mr. Beck requesting the charter applications, the charter applications for these various locals, and any other information regarding the backgrounds of these people.

Mr. LACEY. The jurisdiction, primarily.

Mr. KENNEDY. The jurisdiction?

Mr. LACEY. That is right.

Mr. KENNEDY. And you stated, also, I believe, that you had not received a reply to that letter up to this time?

Mr. LACEY. No, sir; up to the telegram.

Mr. KENNEDY. Up to the telegram. I think that is about where we were yesterday. We had gotten to the telegram that had been sent in early January. Your letter to Dave Beck was written December 15, 1955?

Mr. LACEY. That is right.

Mr. KENNEDY. And you received an answer on January 10, which was about 4 weeks later; January 10, is that correct? You received a telegram from Einar Mohn?

Mr. LACEY. Dated January 9.

Mr. KENNEDY. Just prior to that, we have one other document that I would like to get into the record, if I may. That is a letter dated December 15, in connection with one other of these phony locals. Up until December 15, we had only heard from 6 of the 7 locals?

Mr. LACEY. That is right.

Mr. KENNEDY. Now, we have a letter dated December 15, which brings in the seventh local.

Mr. LACEY. That is right.

Mr. KENNEDY. The chairman has it now, and you may identify it.

The CHAIRMAN. The Chair hands you what appears to be the original letter of Milton Levine to you on December 15, 1955. Please examine it and state if you identify it.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. LACEY. Yes, sir.

The CHAIRMAN. That letter may be made exhibit 133.

(The document referred to was marked "Exhibit 133" for reference, and will be found in the appendix on p. 4908.)

Mr. KENNEDY. Mr. Chairman, this is a letter to the joint council, to Martin Lacey, president, from Milton Levine, giving the names of the officers of local 275, and giving their names so that they could be admitted to membership in the joint council 16. If they are admitted to membership, of course, they would be eligible to vote. Local 275 is up here on our chart. It is the local that came out of 875. As we showed yesterday, 875 is controlled by Tony "Ducks" Corallo, as is local 275. This was the last of the so-called phony locals. Now we come up to January.

The CHAIRMAN. Do you wish to make any comment?

Mr. LACEY. None, other than Mr. Kennedy said to be admitted. The credential, as it is called, a credential, or the letter, is an application to be seated in the joint council.

Hr. KENNEDY. It says here:

We are also making a request that local 275 be admitted to membership in the joint council.

Mr. LACEY. The admitting to membership as being a member. I would like to explain that the seating of the delegates would have to be elected officers. Just the seating of delegates doesn't mean anything, although they can discuss any question that arises. But they are not in the capacity to vote. I just want to bring that to your attention.

The CHAIRMAN. All right.

Mr. KENNEDY. Now we come to your letter of December 15 to Mr. Beck requesting the charter applications and the backgrounds of these people and the jurisdiction that these various locals were to cover. You received a telegram that is dated January 9, 1956, which was a reply to your letter of December 15, 1955; is that right?

Mr. LACEY. Yes, sir. But that telegram was signed by Einar Mohn, under direction, as I understand, from President Beck.

Mr. KENNEDY. I understand.

Mr. LACEY. I might state, Mr. Kennedy, that that, in no manner, shape, or form, gives me the information that I required in the letter.

Mr. KENNEDY. I understand that. The chairman has the telegram now.

It is your testimony that you never have received an answer to that letter of December 10.

Mr. LACEY. No, sir.

The CHAIRMAN. I hand you what purports to be a telegram, addressed to you, signed by Einar O. Mohn, assistant to the general president, dated January 9, and I ask you to examine this document and state if you identify it.

(Document handed to witness.)

Mr. LACEY. Yes, sir.

The CHAIRMAN. That is the telegram that you received from Mr. Mohn?

Mr. LACEY. Yes, sir.

The CHAIRMAN. That will be made exhibit 134.

(The document referred to was marked "Exhibit 134" for reference, and may be found in the files of the Select Committee.)

The CHAIRMAN. You had requested in your letter of December 15 to Mr. Beck this. You say:

In view of our understanding regarding the issuing of charters, I am writing to you for more information on this matter, and request further that, if charters have been issued to these locals, copies of their applications be forwarded to this office.

Is the telegram responsive to that request for information?

(At this point, Senator Kennedy withdrew from the hearing room.)

Mr. LACEY. I couldn't wed it up. I couldn't wed it up, in view of the time element between December 15 and January 9. I in no way believed that that was an answer to my letter. I took the telegram more as an order than I did as an answer to my letter.

The CHAIRMAN. In other words, it did not respond, actually, to your letter by giving you the information you requested?

Mr. LACEY. Correct.

The CHAIRMAN. They sent this telegram, which you regarded more as an order or directive to you?

Mr. LACEY. That is right.

The CHAIRMAN. The telegram should be printed in the record at this point. I have read pertinent parts of the letter. Proceed.

Mr. KENNEDY. You did not receive the applications for charters?

Mr. Mohn did not send you the applications for charters?

Mr. LACEY. No, sir.

Mr. KENNEDY. Then you sent Mr. Mohn a telegram back in reply to his telegram to you; did you not, on January 10?

Mr. LACEY. I haven't got a copy here.

The CHAIRMAN. I hand you here what purports to be the original telegram.

While you are examining this for the purpose of identifying it, the telegram from you to Mr. Mohn, while you are reading it for the purpose of identifying it, the Chair will read Mr. Mohn's wire to you into the record.

It is addressed to Mr. Martin Lacey, president, Joint Council of Teamsters, No. 16, 265 West 14th Street, New York, N. Y., dated January 9. Also, it is addressed to Mr. Leonard Geiger, 2401 Jackson Avenue, Long Island City, N. Y.

It reads:

JANUARY 9, 1956.

Mr. MARTIN LACEY,
President, Joint Council of Teamsters, No. 16,
265 West 14th, New York, N. Y.

Mr. LEONARD GEIGER,
2401 Jackson Avenue,
Long Island City, N. Y.:

In order to beat the deadline of the merged convention AFL-CIO held recently in New York, this office received requests from many sections of the country for charters from Federal labor unions and other AFL and CIO affiliates whose people were engaged in some industries properly our jurisdiction. Time would not permit all of these applications to be processed under usual procedure. The following charters were issued in the New York area: Locals 258, 269, 284, 295, 362, and 641. Some of these were small local unions and after they have been seated in our joint council as well as in the Eastern Conference of Teamsters, it was agreed that where consolidation of local unions was practical they would be consolidated. I shall be glad to forward to you copies of their applications. They are in good standing with the international union and should be accorded all the rights and privileges of local unions in good standing.

EINAR O. MOHN,
Assistant to the General President.

It is signed "Einar O. Mohn, assistant to the general president."

You regarded that as an order to you to so accept and treat those locals?

Mr. LACEY. Yes, sir.

The CHAIRMAN. Did you send a reply?

Mr. LACEY. Yes, sir.

The CHAIRMAN. On the 10th?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. I want to ask you what this means here "As a practical matter." They are talking about these locals.

Some of these were small local unions and after they have been seated in our joint council as well as the Eastern Conference of Teamsters, it was agreed that where consolidation of local unions was practical, they would be consolidated.

Didn't this mean that after they had been seated, that during this period of time they would be permitted to vote in the election? If they were seated in the joint council they would be permitted to vote in the election, is that right?

Mr. LACEY. That is right, seven of them.

Mr. KENNEDY. All seven of them would be permitted to vote in the election?

Mr. LACEY. That is right. And after the election, they would shrink them.

Mr. KENNEDY. And come back to maybe 1 or 2 locals?

Mr. LACEY. That is right.

Mr. KENNEDY. If, in fact, this telegram was sent in good faith and the purpose of chartering these locals was other than to influence the election, they would have consolidated the locals prior to their being seated?

Mr. LACEY. Prior to that, that is right.

Mr. KENNEDY. And you sent back a telegram?

Mr. LACEY. Yes, sir.

The CHAIRMAN. The telegram that he sent back may be printed in the record at this point.

The Chair will read it.

Mr. KENNEDY. In this connection, did you know if any of these locals had any members at that time?

Mr. LACEY. None whatever.

(At this point, Senator Mundt entered the hearing room.)

The CHAIRMAN. Your reply telegram, which may be printed in full in the record, reads as follows:

NEW YORK, N. Y., January 10, 1956.

EINAR O. MOHN,

*International Brotherhood of Teamsters,
25 Louisiana NW., Washington, D. C.:*

Your chatty and interesting but belated telegram of January 9, with reference to our serious letter of December 15 last, to Dave Beck, general president, received.

We know how busy our international president is but when 125,000 members represented through this joint council make an important and significant request to him such as was done in our letter of December 15, we are puzzled why he does not reply so that constitutionally provided reviews, if necessary, can be followed.

Many of us here think that fraud and deception have been utilized in seeking charters from the international and there is even the possibility that a major conspiracy directed to the detriment of this joint council and of the international, may be involved.

As solid trade unionists we want to protect our members, improve their conditions, and fight in the basic union way for the people we represent and do not want to be party to or subjected to the establishment of any clique or block-control of manpower for intra- or inter-union politics.

Although suspicion has been aroused by your belated telegram, which you must admit is meaningless, but which we assume is intended to be kindly, we still must follow in the mandate of our joint council and demand as to the seven alleged charters which, says, were issued, the copies of the applications for such charters, per capita payments made, copies of the alleged charters which we assume will outline the "jurisdiction" purportedly granted, and the names and addresses of the individuals at whose behest said alleged charges—

I guess they mean charters—

have been issued. The joint council will continue to table applications of such alleged locals until there is a thorough examination, we hope with the cooperation of the international union, of the applicants.

Please, therefore, request our general president, Dave Beck, to comply with our letter of December 15, 1955, and furnish the information requested and indicated herein promptly, and at the same time express the agreement which was made with our council regarding the issuance of new charters a letter to this council dated June 16, 1954, should serve to refresh his recollection of this agreement.

MARTIN LACEY,
President, Joint Council No. 16 I. B. of T.

All right, Mr. Counsel.

I have ordered this printed in the record in full, and also the other telegram should be printed in the record in full so that they can be read completely.

Senator CURTIS?

Senator CURTIS. I have a couple of questions, Mr. Lacey.

If everyone in the international union office had followed the rules laid down in the constitution and bylaws of the international, and the usual practices, would these charters ever have been issued?

Mr. LACEY. No, sir.

Senator CURTIS. Do you feel that the failure to send you copies of these applications, and the long delay in getting a response to your letters and telegrams, is an admission that at least some of the people in the international were cooperating with these irregular and non-existent unions?

Mr. LACEY. I have no other way to believe. I definitely believe that.

Senator CURTIS. Would you care to state who it was?

Mr. LACEY. That I wouldn't know.

My communications were directed to Brother Beck and answers were returned by Einar Mohn.

Senator CURTIS. While your organization has grown rapidly in many instances, it would not be any difficult office task to photostat copies of applications and send the seven of them to you, would it?

Mr. LACEY. I don't think so. I don't think so, in a direct answer.

Senator CURTIS. I notice in the letter they said because of the shortness of time they could not do it. That was not a legitimate excuse, was it?

Mr. LACEY. No. The procedures followed by the international union, insofar as charters are concerned, are usually endorsed by the organizer in that area. That organizer was Tom Hickey.

Immediately upon receiving these letters, I asked him if he knew anything about charters. He said "No."

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. At the time that this telegram was sent, it states here:

Many of us think that fraud and deception have been utilized—

did you feel at that time that there was fraud and deception?

Mr. LACEY. I felt so; yes.

Mr. KENNEDY. Do you feel that at the present time, looking back on it, that there was fraud and deception involved?

Mr. LACEY. Mr. Kennedy, it was not only that I believed it, after discussing it with the executive board and recommended to the whole council, the whole organization felt that way.

Mr. KENNEDY. They felt that way, then, and as you look back on it at the present time, you think there was fraud and deception involved?

Mr. LACEY. At that time, yes.

Mr. KENNEDY. As you look back on it now, you felt that there was fraud and deception involved in the issuance of these charters?

Mr. LACEY. I would say more so, after the evidence that has been produced before this committee.

The CHAIRMAN. You are pretty well convinced, are you not?

Mr. LACEY. I would say positive.

(At this point, Senator Curtis withdrew from the hearing room.)

Mr. KENNEDY. You state in this telegram, even at that date, in January 1956, that there was a major conspiracy involved. Did you feel at that time it was a major conspiracy to the detriment of this joint council?

Mr. LACEY. I felt that way, but I would like to state that I didn't draft that letter. I had it drafted by my attorney, who I was constantly in touch with in every action pertaining to this situation.

Mr. KENNEDY. But that was the feeling of you and your people at that time?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. Do you feel so at the present time, that there was a major conspiracy involved?

Mr. LACEY. Yes, sir, I do.

Mr. KENNEDY. This telegram you sent back was January 10, 1956. On January 26, 1956, you had a special executive board meeting which was held at the request of 5 of your 7 executive board members?

(The witness conferred with his counsel.)

Mr. LACEY. January 26?

Mr. KENNEDY. Yes.

(The witness conferred with his counsel.)

Mr. KENNEDY. That was the meeting where Geiger moved that the locals be seated.

Mr. LACEY. I believe that that was the meeting that you are referring to now.

Mr. KENNEDY. Yes. That is what I was going on.

The CHAIRMAN. May I present to you what purports to be the original minutes of that meeting on January 26, 1956, and ask you to examine those minutes and state if you identify them.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. LACEY. Can I explain the circumstances?

The CHAIRMAN. Can you say whether you recognize that as the minutes of that meeting?

Mr. LACEY. With an explanation.

The CHAIRMAN. Yes, sir. All right.

Mr. LACEY. The secretary, Lenny Geiger, who was recording secretary, took the minutes. I recognize the contents that is in this letter. After the meeting was adjourned, by, as the practice, the rule, the law, the minutes of the meeting are kept in the office, typed, and read to the members.

Immediately after this demand meeting—and bear in mind that this group walked in on me and insisted on a meeting right away. I was busy and I postponed it for a couple of days.

The minutes of this particular meeting I never got from Geiger. I demanded them. He refused to give them to me.

I asked the vice president, Joe Trerotola, to the best of his memory to draft what happened at that meeting. From his drafting, these are the minutes.

Right up to now, regardless of how many demands I had made, I never received a copy of those minutes from Geiger.

The CHAIRMAN. He was the recording secretary?

Mr. LACEY. Yes, sir.

The CHAIRMAN. And he was the official whose duty it was to make the minutes and to keep the minutes?

Mr. LACEY. Yes, sir.

The CHAIRMAN. And he never did provide you with them?

Mr. LACEY. No, sir.

The CHAIRMAN. So these are your unofficial minutes that you had prepared immediately after when Geiger refused to give you the official minutes?

Mr. LACEY. Yes, sir, for a record for the organization of what actually happened at that meeting.

The CHAIRMAN. You examined those minutes at the time they were presented to you?

Mr. LACEY. Sir?

The CHAIRMAN. I say, you examined those minutes when they were prepared, this document before you?

Mr. LACEY. Yes, sir.

The CHAIRMAN. And did it at that time reflect, according to your recollection, exactly what happened?

Mr. LACEY. Yes, sir.

The CHAIRMAN. Therefore, this document will be received.

It will be made exhibit 135.

(The document referred to was marked "Exhibit 135," for reference, and may be found in the files of the select committee.)

The CHAIRMAN. You may interrogate the witness, Mr. Kennedy.

Mr. KENNEDY. I think the important part of this, Mr. Lacey, is the fact that at this meeting, 5 of the 7 executive board members reversed their position and moved that these phony locals be seated. Is that correct?

Mr. LACEY. That is right.

Mr. KENNEDY. And that this was led by Lenny Geiger?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. This opposition and this attempt to have these phony locals seated was led by Lenny Geiger?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. I might say, Mr. Chairman, we have been attempting to locate Mr. Geiger.

We interviewed him once about a month ago and have been attempting to locate him to testify in these proceedings. He has disappeared from his office and has disappeared from his home. We have been unable to contact him to ask him to appear before the committee.

The CHAIRMAN. I guess he is what you call on the "lam;" is that it?

Mr. LACEY. I think that is the expression.

The CHAIRMAN. All right.

Mr. KENNEDY. So Lufrano, Geiger, Parisi, Schopback, and Bessler, those five members moved that these phony locals be seated; is that right?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. And you maintained your position that they should not be seated?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. What was the basis of that? What was the basis of your opinion?

Mr. LACEY. The executive board had no right to reverse the decision of the overall council. I based my decision on the ruling of the council. The executive board is only official when it is in session, but once the executive board brings in a recommendation to the overall picture and it is adopted, we have no right to reverse it or revise it in any manner.

Mr. KENNEDY. When you are talking about the executive board, you are talking about the executive board meeting that you had held back in December?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. And the executive board meeting at that time had said that these locals should not be seated, that a letter should be written for an explanation from the international?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. And then when this meeting was held, the special executive board meeting was held, in January, that was not the full council meeting and, therefore, could not reverse the position of the council back then?

Mr. FRANKEL. One moment, please.

(The witness conferred with his counsel.)

Mr. KENNEDY. I think I confused it.

You had the executive board meeting in December, around December 12, I believe.

Mr. LACEY. Yes, sir.

Mr. KENNEDY. Then on December 13, this executive board recommendation that these locals should not be seated was approved by the joint council.

Mr. LACEY. Unanimously.

Mr. KENNEDY. Unanimously. So that was a joint council action. So then when you held the executive board meeting on January 26, and these members reversed their positions, your ruling was that the executive board could not reverse the position of the joint council?

Mr. LACEY. Definitely.

Mr. KENNEDY. So you refused to seat these locals at that time?

Mr. LACEY. Yes, sir.

And if you will notice in the minutes, I refused to accept their motion.

Mr. KENNEDY. Were you familiar with the fact that Geiger on the following day, on January 26, 1956, sent a telegram to John English, urging that these locals be seated, and taking the position, and I quote,

this appeal is of the utmost urgency for the reason that election of officers of joint council 16 is to be scheduled for February 14?

Were you familiar with the fact that he sent that telegram?

Mr. LACEY. I know that a telegram was sent.

Mr. KENNEDY. That shows clearly that the purpose of chartering these paper locals, Mr. Lacey, that the purpose of chartering these phony locals, was for the purpose of influencing the election rather than for the fact that there was an AFL-CIO merger, because if that is all that was at issue then there wouldn't have been the urgency of getting these people seated so that they could vote in the election; is that right?

Mr. LACEY. That is right. That is right.

The CHAIRMAN. Have you ever seen this telegram? Could you identify it?

It is the telegram from Leonard Geiger to Dave Beck, dated January 27, 1956.

Have you ever seen this telegram?

Mr. FRANKEL. Senator McClellan, may I suggest that you show it to him? He may have seen it.

The CHAIRMAN. All right. I want to get it in the record, but if we cannot identify it, I want it identified by someone else.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. All right, Mr. Lacey.

Mr. LACEY. Sir, I just don't remember the telegram, but I am led to believe that a copy was sent to each one of the officers. My secretary tells me that she remembers that everyone of the officers got them. I don't just remember that. There was so much confusion at that time there is a lot of things that I can't remember.

The CHAIRMAN. Which member of our staff procured the telegram?

TESTIMONY OF PAUL J. TIERNEY—Resumed

The CHAIRMAN. Mr. Tierney, you have been previously sworn.

I hand you a telegram, apparently an original telegram, from Mr. Geiger to Mr. Dave Beck, dated January 27, 1956. I ask you to examine it and state how this committee came into possession of that telegram.

Mr. TIERNEY. I procured this telegram from the offices of the International Brotherhood of Teamsters here in Washington. It was obtained by subpoena.

The CHAIRMAN. It was obtained by subpoena from the files of the International Teamsters organization headquarters here in Washington?

Mr. TIERNEY. That is correct.

The CHAIRMAN. That telegram may be made exhibit No. 136.

(Members of the select committee present at this point in the proceedings: Senators McClellan, Ives, and Mundt.)

The CHAIRMAN. Mr. Counsel, do you want to read the telegram?

Mr. KENNEDY. Mr. Chairman, I might just summarize it. It is an appeal.

The CHAIRMAN. The telegram may be printed in the record at this point.

(The telegram referred to was marked "Exhibit No. 136" for reference and is as follows:)

NEW YORK, N. Y., January 30, 1956.

DAVE BECK,

General President, International Brotherhood of Teamsters and Chauffeurs, Warehousemen, and Helpers of America, AFL, 25 Louisiana Avenue NW., Washington, D. C.:

DEAR SIR AND BROTHER: This is an appeal by the executive board of Joint Council No. 16 of New York from a decision of the president of said council in refusing to entertain a motion to seat the delegates to the joint council of locals 258, 269, 284, 295, 362, and 651.

All of the aforesaid locals were duly chartered by the international union, and by telegram dated January 9, 1956, a copy of which is attached, Einar O. Mohn, assistant to the general president, stated that "after such locals have been seated in our joint council." Notwithstanding such communication, the president of joint council No. 16 refused to seat the delegates of such local unions or to issue proper credentials to them.

All of the local unions involved have taken every action necessary to accomplish their affiliations with the joint council. Every effort has been made through normal channels available to the joint council to comply with the provisions of the international constitution to effectuate the affiliations of these local unions with joint council No. 16. On January 26, 1956, pursuant to a request of the majority of the executive board of joint council No. 16, the president, Martin T. Lacey, called a special meeting of the executive board for the purpose of considering the affiliation of such local unions with the joint council. At that meeting a motion was duly made and seconded to seat the delegates of the various locals, and to issue to them the necessary credentials to allow them to participate in the functions of the council. The president refused to entertain such motion upon the grounds that it was unconstitutional and illegal. The members of the executive board were then polled on their position on the motion to seat the delegates of the 6 local unions involved. Five members constituting a majority of the executive board, voted to seat the delegates, and to issue credentials to them, the president, however, stated that he would not comply with the wishes of the majority of the executive board.

This appeal is of the utmost urgency for the reason that an election for officers of joint council No. 16 is scheduled to be held February 14. The eligibility of the delegates of locals 258, 269, 284, 295, 362, and 651 should be determined and they should be advised whether they are entitled to vote in such election.

The majority of the executive board of joint council No. 16, consisting of Louis Lufrano, Harry Schopack, Joseph Parisi, Harry Bessler, and Leonard R. Geiger, have authorized me to forward this appeal to your body. A prompt ruling from your body is earnestly requested. If necessary, we will be glad to appear at the next international board meeting to state your case.

Fraternally yours.

Telegram copy.

JANUARY 9, 1956.

LEONARD GEIGER,

Long Island City, N. Y.:

In order to beat the deadline of the merged convention AFL-CIO held recently in New York, this office received request from many sections of the country for charters from Federal labor unions and other AFL and CIO affiliates whose people were engaged in some industries properly our jurisdiction. Time would not permit all of these applications to be processed under usual procedure. The following charters were issued in the New York area: Locals 258, 269, 284, 295, 362, and 651. Some of these were small local unions and after they have been seated in our joint council as well as in the Eastern Conference of teamsters, it was agreed that where consolidation of local unions was practical that they would be consolidated. I shall be glad to forward to you copies of their applications. They are in good standing with the international union and should be accorded all the rights and privileges of local unions in good standing.

EINAR O. MOHN,

Assistant to the General President.

LEONARD R. GEIGER,

Recording Secretary, Joint Council.

Mr. KENNEDY. It is an appeal that these phony locals be seated with the joint council, and it recites the fact that Mr. Geiger and his

colleagues have attempted to have them seated and have been opposed. It demands that the international take the necessary steps to intervene and have these locals seated.

Once again just to quote from the telegram:

This appeal is of the utmost urgency for the reason that election of officers of joint council 16 is scheduled to be held on February 14.

It shows that it was necessary to get these locals seated so that they could vote in the election.

The CHAIRMAN. Was any other reason given for urgency other than the fact of the election?

Mr. KENNEDY. No, Mr. Chairman.

The CHAIRMAN. The telegram has already been ordered printed in the record.

Mr. KENNEDY. It goes on to say after the part I just quoted:

The eligibility of the delegates of these locals 258, 269, 284, 295, 362, and 651 should be determined and they should be advised whether they are entitled to vote in such an election.

The whole emphasis during this period of time was that the delegates be seated so that they could vote in the election.

Mr. Chairman, on the same date, Mr. Geiger sent a letter to John English requesting the same steps be taken by the international, and that these locals be seated.

The CHAIRMAN. Do we have the letter?

Mr. KENNEDY. Yes; we do.

The CHAIRMAN. Mr. Tierney, did you also obtain the letter that counsel has just referred to from the files of the international under subpoena?

Mr. TIERNEY. I have, Mr. Chairman.

The CHAIRMAN. Do you have the letter?

Mr. TIERNEY. Yes, sir.

The CHAIRMAN. The letter may be made exhibit No. 137.

(The document referred to was marked "Exhibit No. 137" for reference and will be found in the appendix on p. 4909.)

Mr. KENNEDY. I might say, Mr. Chairman, that this letter that was sent concerning letters that we have already had evidence and testimony on; namely, the letters dictated from the office of 649, and were letters on the stationery of local 269 signed by Curcio, Davidoff, Brier, Reiss, and Gordon, appealing to the international that these locals be seated, and also the letter of local 295 which was dictated by John McNamara, when he went to the office of 649, and an appeal to the international that his group be allowed to vote in the election.

The CHAIRMAN. These letters have already been made exhibits Nos. 102 and 103.

TESTIMONY OF MARTIN T. LACEY, ACCOMPANIED BY COUNSEL, MAX H. FRANKEL—Resumed

Mr. KENNEDY. On February 6, 1956, you wrote a letter to Dave Beck giving your position on those locals, Mr. Lacey?

Mr. LACEY. May I see the letter?

The CHAIRMAN. The Chair presents you the original letter for your identification.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. All right, Mr. Lacey.

Mr. LACEY. Yes, sir.

The CHAIRMAN. You identify the letter?

Mr. LACEY. Yes, sir.

The CHAIRMAN. That letter may be made exhibit No. 138.

(The document referred to was marked "Exhibit No. 138" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. This is a letter that gives your position on the seating of these locals, and your opposition to the seating of the locals.

Mr. LACEY. Yes, sir.

Mr. KENNEDY. You review the constitutional provisions which you feel make it improper that they be seated; is that right?

Mr. LACEY. That is right.

Mr. KENNEDY. I read on page 2:

The question whether the aforesaid six locals were duly chartered by the international is a highly debatable one, and is at present the subject of a series of charges, complaints, and petitions contemporaneously dispatched to our office. It is my contention that the aforesaid six locals were not duly chartered, but were chartered in violation of the constitution with a degree of haste and chicanery which shock common decency.

Is that the way you felt at the time?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. Do you still feel that way?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. Then it goes on:

Einar Mohn's telegram of January 9, 1936, betrays on its face the lack of usual, constitutional procedure.

The CHAIRMAN. Mr. Lacey, apparently, as the evidence shows up to now, you did everything you could, in your power, to keep this situation straight, and to keep them from violating the constitution and engaging in a practice that perpetrated a fraud upon your joint council; is that correct?

Mr. LACEY. That is right; that is right.

The CHAIRMAN. I don't know what else the evidence will show, but certainly up to now I am convinced that you were doing everything in your power to try to prevent the international from participating in a conspiracy to do great harm to your council and to its members.

Mr. LACEY. Sir, regardless of the feelings of some of the members, I had no other position to take. Because at the meeting, the general meeting, of all the officers, it was a unanimous vote.

The CHAIRMAN. Did you realize at the time that the principal officers, or most of the officers, in these phony locals that had organized and procured the charters, did you realize at that time that you were writing these letters and sending these telegrams, that they were nothing but a bunch of hoodlums, racketeers, and criminals? Did you know that at the time?

Mr. LACEY. No; I did not know it. I did not know who they were. The papers at that time were full of accusations. As a matter of fact, in the application for an injunction, a temporary injunction, my attorney put in there gangsters and racketeers. Him and I had quite a dispute because if I didn't know them, how could I accuse them of

being gangsters and racketeers? That matter came out in the trial for the application for the injunction.

The CHAIRMAN. Had you known then what you know now, you would not have protested the use of the word, would you?

Mr. LACEY. What this committee has done, I believe, has corrected a lot of things in the organization, and I appreciate it.

The CHAIRMAN. We hope we have.

Mr. LACEY. I hope every true union man appreciates it.

The CHAIRMAN. We hope so, too. Thank you.

Are there any further questions?

Mr. KENNEDY. I just want to read one more part of this letter to you, Mr. Lacey.

Einar Mohn's telegram of January 9, 1956, betrays on its face the lack of usual, constitutional procedure. He says: "In order to meet the deadline of the merged convention AFL-CIO held recently in New York City, this office refused requests from many sections of the country for charters from Federal labor unions and other AFL-CIO affiliates, whose people were engaged in some industries properly in our jurisdiction. Time would not permit all of these applications to be processed under the usual procedure * * * It was agreed that, where consolidation of local unions was practical, they would be consolidated."

Then you go on to say:

In other words, purely for the purposes of the coming election, 42 delegates are to be seated despite their meager composition and weak positions under "usual procedure." And, after the election takes place, these locals will be consolidated. Then the number of delegates (42) will dwindle to 7 or nothing. By that time the locals will have served their purpose in rigging the election.

That is the way you felt at the time?

Mr. LACEY. That is right.

Mr. KENNEDY. Do you still feel that that was the purpose?

Mr. LACEY. Definitely.

Mr. KENNEDY (reading):

A motion to seat the six delegates in question, and to issue them the necessary certificates to participate in the functions of joint council 16, is not only unconstitutional but illegal. It violates elementary standards of fair and honest conduct in trade-union procedure. This has been made plain in certain petitions, charges, and complaints to be filed as originals or as copies with your office.

Mr. LACEY. That is right.

The CHAIRMAN. Do you feel, Mr. Lacey, that the work of this committee, and the facts we have developed in the course of these hearings, has thoroughly vindicated the position that you took then?

Mr. LACEY. I think so.

Senator IVES. There are some that accuse us of being antilabor in our efforts of what we have been trying to do. Do you think we are antilabor?

Mr. LACEY. No; I don't.

Senator IVES. As a longstanding labor leader, I appreciate that, coming from you.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Mr. LACEY. I wanted to answer the Senator.

The CHAIRMAN. All right.

Mr. LACEY. I feel you are doing a good job.

Senator IVES. Thank you.

The CHAIRMAN. Senator Mundt?

Senator MUNDT. It is apparent, from what we have heard so far, Mr. Lacey, that, under great pressure, you were trying to protect the interest of honest workingmen in these unions. In connection with this, I wanted to direct your attention to the transcript of the telephone conversations which we have, involving a discussion on the telephone between Samuel Goldstein and Anthony "Ducks" Corallo on January 13, 1956. Do you know Mr. Samuel Goldstein?

Mr. LACEY. I know Samuel Goldstein; yes, sir.

Senator MUNDT. Do you know Mr. Anthony "Ducks" Corallo?

Mr. LACEY. No, sir.

Senator MUNDT. You don't know him?

Mr. LACEY. No, sir.

Senator MUNDT. But you know Mr. Goldstein?

Mr. LACEY. Yes, sir.

Senator MUNDT. I will read you part of what this discussion revealed on the phone. I think you can shed some additional light on the missing element. Corallo and Goldstein are talking, and Goldstein is reporting to Corallo on the meeting which he attended.

GOLDSTEIN. There was a big meeting for nominations, and all of a sudden there was rebellion in the hall, you know. This crew was hollering; that crew was hollering—everybody was hollering. So I went up into the side thing and I grabbed a hold of Marty, you know.

CORALLO. Yeah.

GOLDSTEIN. I says, "What are you doing, Marty; this is no good for you; it's no good for the other guy; it's no good for nobody. Why don't you listen to what I got to tell you; it'll take a couple of minutes." So I start to tell him, you know, what's what, so he says, "What do you mean, I don't want to meet him?" Who the ——— does he think he is, you know. So I went over to Johnny, you know, "O." And I sat down and I spoke to him real quick like for 2 minutes. I said the best thing for you to do is to get together with this guy — 1, 2, 3 —this thing is going to go all night; it's no good for everybody. It's going to hit the papers.

CORALLO. Yeah.

GOLDSTEIN. So he says, "Does the guy want to talk?" I says, "Sure, he wants to talk to you. He's waiting in the little thing for you." So the both of them went down. Now, I was going to do the talking but Johnny says, "I'll talk to him myself." I says, "O. K." You know, he's big enough to handle his own problems, you know.

CORALLO. Yeah.

GOLDSTEIN. So I walked away. So they cut up for about 45 minutes so the joint took a recess.

I wonder if we can identify, Mr. Lacey, who this Johnny was who did talk to you.

Mr. LACEY. I didn't see Goldstein there. The letter itself—the transcript speaks for itself. The place was jammed, and the hall holds about 1,200 or 1,400. Ordinarily, the tops, eligible voters, are about 400. Actually, I think at that time it was 399, plus organizers and delegates who are not officials. That would bring it to about an additional hundred. At that particular meeting, there were over 1,000. Who they were, I don't know. But there was a hullabaloo, I will say. There was such a commotion that I declared a recess, and in that telephone conversation there it says three-quarters of an hour, but I don't think it was any more than 15 minutes.

Brother O'Rourke came up to talk to me to proceed with the meeting, because it was on the question of accepting the minutes which would refer to the so-called local unions.

I am a pretty fair psychologist. I felt that if those minutes were read, they were going to be adopted, and if they were adopted, those local unions were going to be seated.

So I declared the motion which was to set aside all business and immediately go into nominations—that is when the hullabaloo started. They questioned my decision on the vote.

I stood firm on it. Then an appeal was made. On that appeal immediately after that appeal, was when the commotion started. I explained that I was going to rule the same on the appeal as I did on the motion.

If they were going to throw me out of the place, it was O. K. with me.

The only one I spoke to is Johnny O'Rourke. And Johnny O'Rourke insisted on the meeting going on, but his argument was, of which there was a difference, as to whether we were going to have paper ballots or machines. I was never in an election where there was machines. I know nothing about them.

But the opposition felt that I was in close contact with them, that I could have them manipulate the machines.

So if that was going to be the only obstacle, I agreed we will have the paper ballots.

He walked back to the hall and I declared order. In our course of discussion, the appeal entered into it. I said, "Get that guy that made the appeal to withdraw his appeal and we will go ahead with the meeting, and I can't go ahead with the meeting until such time as that is cleared up."

So he went back and spoke to McNamara, who made the motion, and McNamara, as soon as order was declared stood up and wanted to withdraw his appeal from my decision. I asked if the seconder of the appeal would withdraw his seconding, and he stood up and he withdrew his seconding.

Then I declared that the motion stood as originally made, which prohibit any reading of minutes, but to go into nominations immediately.

At no time had I spoken to Goldstein during that period. There was so much excitement in the place.

I hope, Senator, you are no going to ask me to vouch for what conversation was carried on with Goldstein and some guy I don't know, but it is possible for Goldstein to be building himself up with this so-called party that I heard here. It is possible that everybody was getting the business. There is no reasons why they shouldn't give one another the business.

Senator MUNDT. I think that is a reasonable hypothesis. I am pursuing a little further this telephone conversation of the same date.

Thank you for explaining what happened at this meeting and who Johnny was. It means Johnny O'Rourke talking with you, and I have that understood.

Then we go to a little later in the conversation and Goldstein is still talking. And he says:

So, now I'm in the middle with the thing here and this guy has got me in the room, Tony, from 6 o'clock till 8 o'clock; he's talking his heart out to me and he told me that things could have been arranged. He says: "Why didn't these people come," he says. "I would listen to whatever you had to say," he says, "but I'm not going to take no back seat the way they're trying to do it. The whole——press got it; everybody got it. Why should I back away now."

I says: "Marty, what's the sense in fighting this here thing the way you're fighting it now? It's no good."

Goldstein didn't talk to you in that fashion, I take it?

Mr. LACEY. No, sir.

Senator MUNDT. He is just telling Corallo——

Mr. LACEY. I don't know anything about it.

Senator MUNDT. In other words, on that particular occasion, when you had the meeting with all the hullabaloo, you did talk with Johnny O'Rourke, but you did not talk with Sam Goldstein?

Mr. LACEY. No, sir.

(At this point Senator Ives withdrew from the hearing room.)

Senator MUNDT. And when Sam Goldstein comes in there and says he is getting you and O'Rourke together, he is building himself up with Corallo or something?

Mr. LACEY. I don't know about that Goldstein. I was primarily interested in the argument with O'Rourke. Let me in passing state that, immediately after the meeting reconvened, one of the representatives of the organization got up and asked the question of what deal was made back of the curtain. I said, "Let Brother O'Rourke answer that question."

So Brother O'Rourke answered the delegate that we had an understanding that there was going to be paper ballots instead of machines. That is all.

Then we went on with the meeting.

Senator MUNDT. In another conversation that they had on the phone, they implied that they were trying to get you out of that office by fair means or foul. If they couldn't vote you out, they were going to try to buy you out.

Did Sam Goldstein ever try to talk you out of running for reelection?

Mr. LACEY. No, sir. Sam Goldstein's local 239 is only a new local in our council.

Who the hell in Sam Goldstein to buy me? If I was distrusting them all, why should I trust Sam Goldstein? But at that time, I didn't wed him up with this thing.

Senator MUNDT. That is what we are trying to find out. We are trying to find out what transpires, and we appreciate your coming here to talk to us.

Mr. LACEY. The only business relationship I had with him or anybody else was in the course of the council meeting when they looked or appealed for assistance and I gave them all the assistance I possibly could. That was my duty.

Senator MUNDT. At that time you didn't even know whether Goldstein was going to vote for you or against you?

Mr. LACEY. No.

Senator MUNDT. You didn't know who to mistrust?

Mr. LACEY. No.

Senator MUNDT. Thank you.

Mr. LACEY. I am disappointed in a lot of people.

Senator MUNDT. I don't blame you.

Mr. KENNEDY. Just on that question, and then I will go back to the chronology, Mr. Lacey, what made Mr. O'Rourke speak to Mr. McNamara and get him to withdraw his motion?

Mr. LACEY. I told O'Rourke that. I don't know whether he went back, in the confusion that was on there, I don't know whether he spoke to him, but immediately after order was declared, and in action, that is the time that McNamara got up and withdrew his appeal.

Mr. KENNEDY. Let me see if I can understand it.

Mr. McNamara's motion, if it had carried, would have had the effect of allowing a discussion and motions to be made to seat these delegates; is that correct?

Mr. LACEY. No. On an appeal there is only two——

Mr. KENNEDY. I mean if it had carried.

Mr. LACEY. That is right.

Mr. KENNEDY. That is the effect it would have had?

Mr. LACEY. That would have loosened it up for a vote on the seating of those delegates.

Mr. KENNEDY. So it was rather an important issue for everyone?

Mr. LACEY. Definitely.

Mr. KENNEDY. Let me read the minutes to you. In talking about this motion, it says:

Brother McNamara, local 808, appealed the decision of the chairman, and Brother Holt, local 805, seconded the appeal.

Then the next statement is:

The meeting recessed.

And then:

Brother O'Rourke, local 282, requested Brother McNamara to withdraw his motion. Brother McNamara withdrew his motion and asked if seconder, Brother Holt, agreed to his withdrawing the motion, and Brother Holt agreed.

Then you went on and it was withdrawn and the business went on as usual. What was it that was discussed between you and Mr. O'Rourke that made Mr. O'Rourke come back and tell Brother McNamara to withdraw his motion and Brother McNamara withdrew it when it was a matter of such importance?

Mr. LACEY. I refused to go on with the meeting, because I had already stated that appealing from my decision, that on an appeal I was going to rule the same as I did on the original motion. That explanation proved to them that they could appeal as often as they pleased but that they weren't going to move me.

Mr. KENNEDY. So behind the curtain in addition to discussing whether you were going to use machines or paper, you also discussed your position on this matter?

Mr. LACEY. I told O'Rourke, "Get that guy to withdraw his appeal." He was insisting that we go on with the meeting after I said I don't care whether you vote paper ballots or machines or anything else. Bear in mind, I have already explained I don't know anything about these machines.

Mr. KENNEDY. I understand that. This other issue, of course, was of far greater importance as to whether these locals would be seated or not.

Mr. LACEY. I was very much afraid that if the motion was on the floor for discussion, that they were going to vote, the meeting was going to vote. It was no rollecall vote. It was just a yea and nay.

Mr. KENNEDY. So you accomplished a great deal by getting John O'Rourke to have McNamara withdraw this?

Mr. LACEY. Definitely.

Senator MUNDT. The thing that influenced O'Rourke to agree with your position, as I understand it, was that you put it to him cold that either he agree to get McNamara to withdraw his motion, or you weren't going to call the meeting back to order?

Mr. LACEY. That is right. That is right. That is right. I was very fearful that I couldn't get away with the original motion—with the appeal as I got away with the original motion.

Senator MUNDT. In other words, Lacey outbluffed O'Rourke at that particular conference.

Mr. LACEY. To say the least——

Senator MUNDT. You were the weakest, but you made it look strong and he backed down and you went ahead.

Mr. LACEY. To say the least, the meeting wasn't a pleasant meeting.

Senator MUNDT. I am sure of that.

Mr. LACEY. I wouldn't like to go through the same experience again. I don't think that I could physically stand it.

Senator MUNDT. Having heard you talk before our committee, and having also seen Mr. O'Rourke, I am easily convinced that you could outtalk O'Rourke. I don't think there would be any difficulty in that.

Mr. LACEY. I don't think that is a hard thing to do.

Senator MUNDT. I am sure that is right.

Mr. KENNEDY. Then according to this telephone conversation, after this agreement was made, getting McNamara to withdraw his motion, you met with Sam Goldstein within the following day or within the next day or so.

Did you meet with Sam Goldstein?

Mr. LACEY. I may have. I don't know.

Mr. KENNEDY. Did you meet with him early one morning?

Mr. LACEY. Not according to that time that they got down there. Although, let me say this: I am an early riser. I am out every morning at 3 o'clock. I open my office at 5. At a quarter to 6—there is nothing funny about that, if you got to earn a living.

At a quarter of 6 two of my agents come in who handle the dues that come in and assign extra men. We have quite a large extra hall. We have an excessive amount of members for the work that we have.

They report every morning. We have an agreement with the employers that they won't hire anybody if they need extra men before they call our hall. That is why these men shape up.

It is possible that I could have met him some morning because at the minimum I am there at 5 o'clock. But I don't remember this occasion of meeting him. I could have met him. I am not denying that I didn't meet him.

Mr. KENNEDY. And if you did meet him, you could have discussed this subject?

Mr. LACEY. The only subject I could have discussed with him, as I do with practically 95 percent of the members of the organization, is disputes over jurisdiction which is one of the toughest things that we have not only in our local union and in the international union, but it is in labor organizations generally. It has been since the inception of organizations.

Mr. KENNEDY. Did you meet with Mr. Dio at all during this period of time?

Mr. LACEY. No, sir.

Mr. KENNEDY. You did not?

Mr. LACEY. No, sir.

Mr. KENNEDY. Did you have any conversations with him?

Mr. LACEY. No, sir.

Mr. KENNEDY. None at all?

Mr. LACEY. No, sir.

Mr. KENNEDY. Did you know he was interested in the outcome of this?

Mr. LACEY. I did not.

Mr. KENNEDY. And Johnny Dio or Sam Goldstein, not anyone else, mentioned the sum of \$10,000 to you?

Mr. LACEY. No, sir, at no time.

Mr. KENNEDY. There was no money mentioned to you at all if you would withdraw from the race?

Mr. LACEY. Well, they would get an answer and it would not be pleasant.

Mr. KENNEDY. I understand, but was there any money mentioned at all?

Mr. LACEY. No, sir; never.

Mr. KENNEDY. That you would be paid any sum of money if you would withdraw from the race?

Mr. LACEY. No, sir.

Senator MUNDT. Did any of them try to talk you out of running for reelection?

Mr. LACEY. None of them people; no.

Senator MUNDT. Did O'Rourke?

Mr. LACEY. I feel confident that I could beat O'Rourke if I run again, but I am not physically able to stay on the job and particularly not to go through what I have gone through in this last year.

Senator MUNDT. You ran for reelection and you were reelected after this controversy?

Mr. LACEY. Yes. In 1956 there was quite a heated election, and I won.

Senator MUNDT. Was O'Rourke your opponent in that election?

Mr. LACEY. Yes, sir.

Senator MUNDT. In 1957 did you not run?

Mr. LACEY. No, sir; I declined to run. I declined to be a candidate.

Senator MUNDT. Did O'Rourke have any opposition in 1957?

Mr. LACEY. No, sir. As a matter of fact, I called an executive board meeting of the joint council and informed them that I was not physically able to run. But I assured them that if any one of them were to be a candidate, I would go down the line with them. Nobody wanted to run. So I had a lot of support, huh?

Senator MUNDT. I was not here at the concluding session yesterday. Are you still in the labor movement in some position?

Mr. LACEY. Yes, sir.

Senator MUNDT. As an officer?

Mr. LACEY. Yes, sir.

Senator MUNDT. Of a local union?

Mr. LACEY. Yes; I am still secretary-treasurer. I have been secretary-treasurer of that local since 1950.

Senator MUNDT. So you retired from the office of the presidency—

Mr. LACEY. Let me explain. If you will check up you will find that that local was 645, but then we had some difficulties with the international union in 1920 regarding the establishment of a mortuary benefit, which was promised with an increase in dues.

I was one of the floor leaders in increasing the dues from 15 to 30 cents per capita and incidentally, recommending the increase of the officers 50 to 100 percent. I just don't remember which.

After the convention, in the following December, when the constitution was supposedly to be changed, and the mortuary benefit installed, we were informed then that it was an inopportune time for the simple reason that the international union at that time had only in its treasury approximately \$650,000.

If it is interesting to you for me to prove the reasons why we wanted the mortuary benefit, it was very hard collecting dues. We had to go around the street to meet the individual members. You always carried money in your pocket. You were physically jeopardized for somebody throwing a Mary Ellen around you and taking whatever you had.

We felt that if the individual member was negligent in paying his dues, somebody in the family, brothers, sisters, mother, father, would make it their business to pay their dues to get that death benefit. So it was sort of an inducement.

We were very much disappointed when we didn't get it. As a matter of fact, we ain't got it today.

Senator MUNDT. Mr. O'Rourke was elected when? What time in 1957 was he elected?

Mr. LACEY. Sir?

Senator MUNDT. What time in 1957 was Mr. O'Rourke elected? Did he take office January 1?

Mr. LACEY. No. My term of office didn't expire until February 19, 1957.

Senator MUNDT. So you were president up until February 19 and he has been president since?

Mr. LACEY. Yes, sir.

Senator MUNDT. Have your relations as secretary-treasurer of your local union been pleasant with joint council 16 and Mr. O'Rourke and his officials since that time or have they been unpleasant?

Mr. LACEY. Has our what?

Senator MUNDT. Relations.

Mr. LACEY. Well, we "hello." We pass the time of day and "how are you feeling?"

Senator MUNDT. There is no controversy remaining since you have stepped out?

Mr. LACEY. I don't believe there was ever a controversy until this time. We had our internal differences, but that came to a vote in an immediate meeting.

Senator MUNDT. There was some controversy, by reason of the fact they were trying to put in some phony locals with some phony delegates to vote you out of office, and you beat them. They did not do it.

Mr. LACEY. I beat them after I had to prove to court that I beat them. If the 49 votes were to be counted, I was licked. There is no question about it. I protested those votes, and I protested some 16 or 19 other votes. On the basis of that protest, they tried to rule me

out, anyway, and wanted to take possession of the office. It necessitated me going to court.

Senator MUNDT. Right. So I was asking the question whether—since upon your voluntary retirement the opposition who tried to throw you out fraudulently came into control—whether your relations and the relations of your union were now pleasant with these people who had tried and failed to throw you out by a fraudulent method.

Mr. LACEY. I think that the local I represent is solidly entrenched and respected by all the other local unions, regardless of this election.

Senator MUNDT. All right.

Mr. KENNEDY. Chronologically, we were up—

(The witness conferred with his counsel.)

Senator MUNDT. Before we leave that point, Mr. Lacey, how many members are there in the union that you represent?

Mr. LACEY. Sir?

Senator MUNDT. Before we leave this part, how many members are there in the union which you represent now?

Mr. LACEY. Over 3,000.

Senator MUNDT. 3,000?

Mr. LACEY. Yes, sir.

Senator MUNDT. Is it one of the bigger unions in the joint council?

Mr. LACEY. Yes, sir.

(The witness conferred with his counsel.)

Mr. LACEY. Our local union and its jurisdictional question is not on a straight line.

(The witness conferred with his counsel.)

Mr. LACEY. Senator, it was a question that you asked me what my official position in the labor movement now was as compared to the time of that election?

Senator MUNDT. Yes.

Mr. LACEY. I am still president of the Central Trades and Labor Council. I am still vice president of the State federation of labor. I am still secretary-treasurer of local 816 and its business manager. I am chairman of the merger committee, representing the AFL from the central body, with the committee of the CIO which is waiting for the results of the State action, of which I was one of the committeemen, which has adopted it.

Senator MUNDT. Would these offices that you now hold have any function in connection with the efforts of the ethical practices committee to remove from office some of the types of characters who have been before our committee taking the fifth amendment?

Mr. LACEY. Are they in a position?

Senator MUNDT. Yes.

Mr. LACEY. To remove them?

Senator MUNDT. Yes.

Mr. LACEY. Well, I don't know. Each organization has its own established bylaws.

Senator MUNDT. What we are trying to find out is the way in which the ethical practices committee can operate to fulfill its announced position of removing from office men who hold responsible labor positions and take the fifth amendment. Mr. Meany pointed out that at the top level they cannot do it directly. They have to work with the local level. My question to you was whether this joint council that you mentioned that you are president of, and the offices that

you now hold, whether any of these have anything to do with hearing these ethical practices charges and removing those found guilty.

Mr. LACEY. No, sir.

Senator MUNDT. You do not?

Mr. LACEY. No, sir. We are only a subordinate to the CIO-AFL. However, I will say that this committee's work has done more than any committee would do in educating the man who pays the freight.

Senator MUNDT. He is the fellow we are interested in, and he is the fellow you are interested in.

Mr. LACEY. Yes, sir.

Senator MUNDT. Thank you.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Coming up to where you had protested to the international the seating of these phony locals, Geiger and four of the members of the executive board had appealed to the international to force you to seat the delegates of these locals. The locals themselves had written letters requesting to be seated. Those letters had been all sent out of local 649, which was Johnny Dio's local, the chief local of Johnny Dio. Then came February 1, 1956, and Mr. Beck sent you a letter as to what his position was going to be on the matter; is that right?

Mr. LACEY. I would like to see it.

The CHAIRMAN. The Chair hands you what purports to be the original letter of Mr. Beck to the president and officers of joint council of teamsters No. 16, dated February 1, 1956.

I ask you to examine it and state if you received that letter and if you identify it.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. LACEY. Yes, sir.

The CHAIRMAN. You recognize the letter?

Mr. LACEY. Yes, sir.

The CHAIRMAN. You received it?

Mr. LACEY. Yes, sir.

The CHAIRMAN. That may be made exhibit 139.

(The document referred to was marked "Exhibit No. 139" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. In that letter, Mr. Beck ruled that the six locals, and he did not include 275—perhaps inadvertently, because that is the letter that had come in later on—he ruled that these locals should be seated in the New York joint council, did he not?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. And he also ruled that, as far as their votes, they should be cast and put in a separate box and segregated?

Mr. LACEY. That is right.

Mr. KENNEDY. And that they should only be counted if they would affect the election; is that right?

Mr. LACEY. That is right.

Mr. KENNEDY. On February 14, 1956, there was an election held?

Mr. LACEY. Yes.

Mr. KENNEDY. And you won the election. You received 192 votes and John O'Rourke received 181 votes?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. In dispute were these 49 votes which actually turned out to be 42 because only 42 of 49 were cast of the so-called phoney locals. Each local has seven votes, is that correct?

Mr. LACEY. That is right.

Mr. KENNEDY. But the phoney locals, for one reason or another, instead of casting the 49 votes which they would be allowed to cast, only cast 42 votes and these were segregated?

(The witness conferred with his counsel.)

Mr. KENNEDY. You might not have known it.

(The witness conferred with his counsel.)

Mr. LACEY. No, I think there were 49 votes cast. There was one bundle that contained the 42, but in view of the lateness of that last one, it was particularly challenged and I believe it was put in another envelope and sealed.

Mr. KENNEDY. There were only 42 letters of credentials. Cast by these 7 locals there were only 42 votes. We opened the envelope. I do not think it had ever been opened before. We opened it and there were only 42 votes in it.

We only found 42 letters of credentials.

Mr. LACEY. When the contestants and the seekers of office met, and we could not agree, then we came to the conclusion of appointing two from each side. We appointed two.

This letter was referred to them. They went along with this letter. They had a representative by the name of Mr. Therian. These were deposited in a vault signed by these 5 with the understanding that under no consideration could anybody get them unless the 5 signatures were on the application.

Mr. KENNEDY. Anyway, the point is there were 42 votes cast and they were segregated. You won the election 192 to 181. In addition to these votes that were segregated, the 42, which were the votes from the 7 phoney locals, there were 16 other votes that were contested, is that correct?

Mr. LACEY. Challenged, that's right.

Mr. KENNEDY. Challenged. So it was 192 to 181, 16 contested and 42 that were contested?

Mr. LACEY. Correct.

Mr. KENNEDY. Then Mr. Beck appointed Mr. Buddy Graham of the international to determine whether these 16 should be counted, is that right?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. And they had a meeting which you felt was on too short notice to send down representatives?

Mr. LACEY. That's right.

Mr. KENNEDY. And Mr. Graham had a meeting with representatives of Mr. John O'Rourke and Mr. Graham ruled at that time that these 16 votes should be counted?

Mr. LACEY. Well, let me give you a picture in between that time.

The two officers, election officers, that I appointed, could not be found. They were out of town. But the request for the meeting went to their office. Their office sent a telegram requesting a postponement. Short postponements were granted.

All of a sudden an order came in, or a telegram came in, that this is the time that they are holding the meeting.

I understand that one of the committee of two that were representing me wrote a letter pleading for additional time. That was at this meeting that you referred to that they took action.

Mr. KENNEDY. And these people did not have an opportunity to come down there and attend the meeting?

Mr. LACEY. No, sir.

Mr. KENNEDY. And these 16 votes, Mr. Graham ruled that they should be counted. Among these 16 votes were the votes of local 445 in Yonkers, Masielo, and Stickels.

Mr. LACEY. Yes, sir.

Mr. KENNEDY. They had been convicted of extortion? As I understand it, they had not been sentenced at that time, had they?

Mr. LACEY. No. It was a pending sentence. I may be mistaken. They may have been sentenced and they were out on appeal at that time.

Mr. KENNEDY. I believe that is right. Those were some of the votes of the 16 protested. And Mr. Gordon, Abe Gordon, president of 805, a good friend of Johnny Dio——

Mr. LACEY. He was never seated until he came in with a credential. The council had gone on record that he don't be seated.

Mr. KENNEDY. The reason that they opposed his seating was the fact that he owned a trucking company?

Mr. LACEY. That's right.

Mr. KENNEDY. Anyway, there were 16 altogether that were contested?

Mr. LACEY. Challenged.

Mr. KENNEDY. And Mr. Graham ruled that they should be seated and Mr. Beck wrote a letter ordering that they be seated and the votes counted. So that, then, gave the election to Mr. John O'Rourke, because all 16 of those votes went to Mr. O'Rourke, is that right?

Mr. LACEY. According to that letter; yes.

Mr. KENNEDY. That would give the election to Mr. John O'Rourke at 197 to 192?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. And it was not then necessary to count the 42 votes because John O'Rourke had won the election, according to the ruling of Dave Beck?

Mr. LACEY. That's right.

Mr. KENNEDY. It was at that time that you went in to try to get an injunction against the activities of the international in this matter?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. Against the activities of counting either the 16 votes or the so-called 42 votes?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. And the judge gave a preliminary injunction to you?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. That was on May 12, 1956?

(The witness conferred with his counsel.)

Mr. LACEY. Yes, sir.

Mr. KENNEDY. He said that the 16 votes and the 42 votes were invalid?

Mr. LACEY. Yes, sir. Are you referring to the decision of Judge Palmieri?

Mr. KENNEDY. Yes.

Mr. LACEY. There was another judge that handled the matter, Judge Mullen, I think his name was.

Mr. KENNEDY. Anyway, on May 12, 1956?

Mr. LACEY. That was the decision, that's right, after the trial or the hearing, whatever you call it.

Mr. KENNEDY. It never went any further because subsequently you decided to withdraw from running for reelection in the year 1956 for the year 1957; is that right?

Mr. LACEY. 1957.

Mr. KENNEDY. But you announced your decision in 1956 that you would not run again?

(The witness conferred with his counsel.)

Mr. KENNEDY. Was that on January 3, 1957?

(The witness conferred with his counsel.)

Mr. LACEY. It was January 1957. The nominations took place in January of 1957 for the election.

Senator MUNDT. At that time, Mr. Lacey, when the nominations occurred—I think it was January 3, 1957—was this case still pending in court? Had it been finally adjudicated?

Mr. LACEY. No, sir. I think that the decision of the court was in my favor and enjoined them from interfering with me and order them to pay me the money that they were withholding, my salary that they were withholding.

Senator MUNDT. That was a final adjudication?

Mr. LACEY. Sir?

Senator MUNDT. You talked about a preliminary decision of the judge. I wonder when it was finalized. Let me ask the lawyer if I may.

Will you explain that?

Mr. FRANKEL. May I explain I was not the attorney of record at that time nor did I participate in that trial. But I am familiar with the record.

The first injunction that Mr. Lacey is talking about was on a preliminary application to get a temporary restraining order. A hearing was then held for a temporary injunction, and, after an extended hearing, that motion was granted and an order entered granting the injunction.

Senator MUNDT. That was still a temporary?

Mr. FRANKEL. Yes.

Senator MUNDT. Go ahead.

Mr. FRANKEL. But, although an appeal was filed, it was never prosecuted. To all intents and purposes, that injunction remained and there was no further proceeding after that.

Senator MUNDT. That, I think, clears it up. So when Mr. Lacey made his announcement in 1957 that he was not going to run again, there was still an appeal pending which they had never prosecuted?

Mr. FRANKEL. The appeal had been abandoned many months before.

Senator MUNDT. I see. Neither Mr. Lacey nor I are lawyers, so we have to talk to lawyers to get the legal terms.

In other words, there was a certain time in which they were permitted to activate their appeal and that period of grace had expired before January 1, 1957, is that right?

Mr. FRANKEL. That is right.

Senator MUNDT. So in 1957 there was nothing they could have done to reactivate the appeal?

Mr. FRANKEL. No; not without leave of the court.

Senator MUNDT. Not without what?

Mr. FRANKEL. Leave of the court, permission of the court. To all intents and purposes, they had abandoned it. Mr. Lacey resumed his office. He conducted the affairs of the council from that fall until January of 1957.

Senator MUNDT. And had been paid his back salary over that period of time?

Mr. FRANKEL. That is correct.

The CHAIRMAN. As we lawyers term it, they did not perfect their appeal.

Mr. KENNEDY. I want to point out, Mr. Chairman, that despite the fact that this injunction was in effect on December 3, 1956, Mr. Dave Beck sent a telegram ordering the joint council 16 to seat these locals, on December 3, 1956. Is that correct?

(The witness conferred with his counsel.)

Mr. LACEY. I believe so. I contacted my attorney who drafted me a letter to answer Mr. Beck, that we were not going to seat them, but if he insisted and prosecuted the endeavor in the telegram, that he was in violation of the court order.

Mr. KENNEDY. So once again, just prior to this election that was going to be held in 1957, this question of these phoney locals was raised again by Mr. Beck?

Mr. LACEY. Yes.

The CHAIRMAN. The committee will stand in recess until 2:30.

I am sorry we did not get through with you this morning. We will have to ask that you come back at that time if you can.

(Whereupon, at 1 p. m., the hearing in the above-entitled matter was recessed to reconvene at 2:30.)

(Members present at the taking of the recess: Senators McClellan and Mundt.)

AFTERNOON SESSION

(Members present at the start of the afternoon session: Senators McClellan and Ives.)

The CHAIRMAN. The committee will come to order.

TESTIMONY OF MARTIN T. LACEY, ACCOMPANIED BY HIS COUNSEL, MAX H. FRANKEL—Resumed

Mr. KENNEDY. We were talking this morning about the fact that there was a temporary injunction against the seating of these delegates, the 16 plus the 42, and the counting of their votes, and then the fact that on December 3, 1956, a telegram was sent out over the name of Dave Beck requesting or ordering that these delegates be seated.

I asked you if you were familiar with that, and you said you were.

The CHAIRMAN. I wonder if you could identify this copy of a telegram that has been referred to, which you received from Mr. Beck.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. LACEY. I do. Yes, sir.

The CHAIRMAN. You do identify it?

Mr. LACEY. Yes, sir.

The CHAIRMAN. That will be made exhibit No. 140.

(Document referred to was marked "Exhibit 140," for reference and is as follows:)

Mr. KENNEDY. This is to Martin T. Lacey, president, joint council 16:

Locals 269, 258, 275, 284, 295, 362 of the International Brotherhood of Teamsters have notified me that, although requested to do so, joint council No. 16 up to the present time has failed to accept and recognize these local unions as affiliates of joint council No. 16 and has failed to recognize, accept and seat in joint council 16 their qualified delegates to that council.

Each of the local unions above mentioned is a duly chartered local union affiliated with the international brotherhood and each has been such a local for approximately a year. The withholding by a joint council of recognition within that council to a duly chartered affiliated local union of the international brotherhood and the failure of a joint council to recognize or seat qualified delegates of that local union is contrary to the constitution of the international brotherhood.

As general president of the International Brotherhood of Teamsters and acting pursuant to the constitution of the international joint council No. 16 is therefore and herewith ordered to forthwith accept and recognize locals 269, 258, 275, 284, 295, 362, and each of them as affiliates of joint council No. 16 and to forthwith recognize, accept and seat in joint council No. 16 as delegates thereto, qualified delegates of each of the local unions above mentioned. It is further ordered that you, as an officer of joint council No. 16 take such steps as may be necessary to bring about immediate and full compliance by joint council No. 16 with the terms of this order.

Signed, "Dave Beck."

(At this point, Senator McNamara entered the hearing room.)

Mr. KENNEDY. So Mr. Beck, or someone in his name, gave instructions that these locals should be seated, the delegates from these locals should be seated; is that correct?

Mr. LACEY. That is right.

Mr. KENNEDY. That was despite the fact that at that present time there was an injunction from the court that these locals should not be seated?

Mr. LACEY. That is right.

Mr. KENNEDY. He ordered you to act contrary to the orders of the court?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. Was it not just about this time or shortly after this telegram was received, that you made the decision with these various factors against you that it would be better because of these matters not to run again for president of joint council 16?

Mr. LACEY. Will you repeat that, please?

Mr. KENNEDY. Was it not around this time, around December 3, 4, or 5, around this time that you received this telegram, that you made the decision that you would not run for president of joint council No. 16?

Mr. LACEY. Around that time.

Mr. KENNEDY. Was not some of it based on the fact that you had received this telegram and that you felt you were going to go through this fight all over again?

Mr. LACEY. I intended to go through the fight, but my illness prevented me from going into the fight.

Mr. KENNEDY. It was your illness?

Mr. LACEY. That definitely settled it, that I wouldn't run.

Mr. KENNEDY. Did you feel that if you went through with it, you could win again?

Mr. LACEY. Personally, I think I could.

Mr. KENNEDY. Now at that time was there some discussions with Mr. John O'Rourke, or Mr. Hoffa, or anyone else, regarding what financial arrangements would be made for you if you retired from the council as president?

Mr. LACEY. None whatever.

Mr. KENNEDY. Was there a discussion about a pension fund?

Mr. LACEY. No, sir.

Mr. KENNEDY. From your local was there a discussion of a pension?

Mr. LACEY. Not from my local. My local union does not get me a pension. I get a pension from the Government.

Mr. KENNEDY. I understand there was a discussion about a pension or some financial arrangement. There was none?

Mr. LACEY. No, sir; I received no salary from my own local union from the first day I was paid in joint council 16. When my salary ceased, although I held the office in 816, I wasn't being paid a salary, but when I went back in, my salary was paid by local 816.

There were no other arrangements by anybody or suggested by anybody that there be a pension.

Mr. KENNEDY. There were no discussions about any financial arrangements that were being made for you?

Mr. LACEY. None whatever.

Mr. KENNEDY. You just went from president of joint council 16 back to your local?

Mr. LACEY. As secretary-treasurer, that is right.

Mr. KENNEDY. And received a salary from your local?

Mr. LACEY. That is right.

Mr. KENNEDY. And there was no discussion about any other financial arrangements for you?

Mr. LACEY. None whatever.

Mr. KENNEDY. You decided to retire at that time because of ill health?

Mr. LACEY. Yes, sir; and I so advised the board, the executive board of the council.

Mr. KENNEDY. And Mr. John O'Rourke was then subsequently elected president of joint council 16?

Mr. LACEY. Yes.

That was in February of 1957.

Mr. KENNEDY. Mr. O'Rourke is also running as a vice president of the International Brotherhood of Teamsters; is he not?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. At the present time?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. Is there anyone running against him?

Mr. LACEY. I believe so. As far as I know, I believe that Mr. Hickey is running for the position of vice president in this area. The New York area, I mean.

Mr. KENNEDY. You are supporting Mr. O'Rourke, are you?

Mr. LACEY. I haven't been committed. My local union hasn't been committed, with the exception of a meeting that was called and my

local union committed themselves to support O'Rourke. He has been the only candidate put up.

Mr. KENNEDY. So in this election or this contest for vice president of the International Brotherhood of Teamsters you will be supporting John O'Rourke against Mr. Hickey in that; is that right?

Mr. LACEY. Well, my local union went on record. What I am going to do at the actual election, I don't know as yet.

Mr. KENNEDY. During this contest that you had in the past with Mr. O'Rourke on the question of the presidency of joint council 16, the contest of 1955 and 1956, Mr. Hickey supported you; did he not?

Mr. LACEY. Yes, sir.

The CHAIRMAN. I wish to ask 1 or 2 questions.

Do you know who brought the pressure to bear on the international and its officers to cause them to take the position they did with regard to the issuing of charters to these phony locals, and trying to compel you to accept and seat them and count their votes?

Mr. LACEY. That I don't know, because since my letter of December 15, I have never received an answer. The only answer was the telegram of January 9, or thereabouts, signed by Brother Mohn.

The CHAIRMAN. Obviously, it is so irregular and improper, the position and action taken by the international officers, I do not know if there will be proof of it but I am persuaded some pressure was brought to bear on them from some source to cause them to do that.

Mr. LACEY. It could be, without my knowledge, in the face of the letter of acknowledgment to our council of June 1954, that we would have the right to object to the charters and the international constitution would allow the international to reverse us, but we would have to have a hearing on it.

The CHAIRMAN. I do not know whether you have any information on what pressure was exerted on the international office or not.

Mr. LACEY. That I wouldn't know.

The CHAIRMAN. Are there any questions?

Senator McNamara?

Senator McNAMARA. I would like to ask the witness a couple of questions.

Were you out of the teamsters district council in New York when the so-called paper locals were taken in, actually, into the organization, before they had membership?

Mr. LACEY. Do you mean supposedly taken into the international union?

Senator McNAMARA. Yes.

Mr. LACEY. They have never been taken into joint council 16, not to this date.

Senator McNAMARA. They have not?

Mr. LACEY. No, sir.

Senator McNAMARA. When they cast their votes, were they not taken in at that time?

Mr. LACEY. No, sir.

Senator McNAMARA. They were able to vote without ever becoming affiliated with district council 16?

Mr. LACEY. Well, those votes that you refer to, I think, are the 42 votes.

Senator McNAMARA. Yes.

Mr. LACEY. No. They were impounded and put in a vault. According to my belief, they are still impounded.

Senator McNAMARA. The votes are one thing, but I was talking about whether or not these locals, the so-called paper locals, ever became affiliated with council 16.

Mr. LACEY. No, sir.

Senator McNAMARA. They never did?

Mr. LACEY. No, sir.

Senator McNAMARA. As far as you know, they are still not members; is that right?

Mr. LACEY. I know they are not members.

Senator McNAMARA. Then they are directly affiliated with the international? They do not have any connection with the New York district council?

Mr. LACEY. According to the communications from the international union; yes, sir.

Senator McNAMARA. That is the situation as it is now?

Mr. LACEY. Yes, sir.

Senator McNAMARA. They never became a part?

(The witness conferred with his counsel.)

Mr. LACEY. There was only 1 local union of the total 7 that has been seated in the joint council.

Senator McNAMARA. What one is that?

Mr. LACEY. 295.

Senator McNAMARA. 295 did become officially a part of the joint council 16?

Mr. LACEY. Now; yes, sir.

But that went through the regular routine and its jurisdiction is on the charter itself. That is one of our principal objections.

Senator McNAMARA. The committee has previous testimony that indicated that the paper locals were in some manner filled out with membership at a later date. Would you know about that?

Mr. LACEY. That I wouldn't know about.

Senator McNAMARA. You did not have anything to do with that?

Mr. LACEY. No, sir.

Senator McNAMARA. Do you know that they were truly without membership in the early days of their existence? You do not, by your own knowledge?

Mr. LACEY. No, sir; nor by the council's knowledge.

Senator McNAMARA. I do not want you to answer anything that you do not know.

Mr. LACEY. No; I do not know.

Senator McNAMARA. Do you know Jimmy Hoffa?

Mr. LACEY. I know Jimmy Hoffa.

Senator McNAMARA. Do you know him personally?

Mr. LACEY. I have met him quite a few times.

Senator McNAMARA. Did he visit you in New York about the affairs of the teamsters in New York?

Mr. LACEY. No, sir.

Senator McNAMARA. He never consulted with you about that?

Mr. LACEY. No, sir.

Senator McNAMARA. Thank you. Mr. Chairman, that is all.

The CHAIRMAN. Is there anything further?

Mr. Kennedy?

Mr. KENNEDY. I just want to make sure that the record was clear. Despite this telegram that was sent to joint council 16, those locals were not seated?

Mr. LACEY. No, sir.

Mr. KENNEDY. Mr. Chairman, I might say that, at the time this telegram was sent, on December 3, 1956, it was sent over the name of Mr. Dave Beck from Washington, D. C. Mr. Dave Beck was out of the country, so the telegram could not have been sent by him.

The CHAIRMAN. We do not know, then, whether they got in touch with Mr. Beck while he was away and the telegram was sent at his direction or not? We do not know?

Mr. KENNEDY. We do not know.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. I might say, on one other matter, local 295, out of the seven phony locals, has been seated?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. The other six have not been seated?

Mr. LACEY. That is right.

Mr. KENNEDY. And you and Mr. O'Rourke had this contest during this period of time, 1956, and you each had attorneys; is that correct?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. Was it decided by the joint council or your board that each one of your attorneys would be paid out of union funds?

Mr. LACEY. Yes, sir.

Mr. KENNEDY. And each one of your attorneys got paid \$24,000 apiece?

Mr. LACEY. Those are approximately the figures they got paid.

Mr. KENNEDY. So, \$48,000 of union-member money was used to pay your own attorney and that of Mr. O'Rourke?

Mr. LACEY. Yes, sir. Those are the amounts, approximately.

Mr. KENNEDY. That was an agreement that you and Mr. O'Rourke reached in connection with your attorneys?

Mr. LACEY. That all transpired through the attorneys and our executive board.

Mr. KENNEDY. The attorneys reached that agreement, how much they would want to get paid, and then it was ratified by the joint council?

Mr. LACEY. Yes.

Mr. KENNEDY. Was it ratified by the joint council or by the executive board?

Mr. LACEY. First by the board and then by the council.

Mr. KENNEDY. So it was about \$48,000?

Mr. LACEY. Yes, sir; about that amount.

The CHAIRMAN. I do not imagine they had as much argument as you and Mr. O'Rourke had in arriving at a fee.

Mr. LACEY. Much less.

The CHAIRMAN. Is there anything further?

The Chair wishes to thank you very much for your testimony and for your frankness, and your effort to be of assistance to this committee in carrying out its function and assignment. It has been very refreshing to hear a labor leader, occupying a high position, come in here from an area like that, that is infested with these racketeers and gangsters, to come in here and frankly and freely tell this com-

mittee the facts within your knowledge. In my book, sir, you are a credit to the labor movement.

Mr. LACEY. Thank you.

The CHAIRMAN. You may be excused.

Call the next witness.

Mr. KENNEDY. Vice President Thomas Hickey, International Brotherhood of Teamsters.

(Members present at this point: Senators McClellan, Ives, and McNamara.)

The CHAIRMAN. Will you be sworn?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HICKEY. I do.

**TESTIMONY OF THOMAS L. HICKEY, ACCOMPANIED BY COUNSEL,
GERARD F. TREANOR**

The CHAIRMAN. Be seated. Mr. Hickey, will you state your name, your place of residence, and your business or occupation?

Mr. HICKEY. My name is Thomas L. Hickey. I am sixth international vice president of the teamsters union, and I am secretary-treasurer of local 807, truckdrivers, New York.

The CHAIRMAN. Would you give us your address?

Mr. HICKEY. I live at 687 East 39th Street, Brooklyn, N. Y.

The CHAIRMAN. Do you have counsel with you?

Mr. HICKEY. I do, sir.

The CHAIRMAN. Mr. Counsel, will you identify yourself for the record, please?

Mr. TREANOR. Gerard F. Treanor, 25 Louisiana Avenue NW., Washington, D. C.

The CHAIRMAN. Mr. Kennedy, you may proceed.

Mr. KENNEDY. Mr. Hickey, you have been in the teamsters how long?

Mr. HICKEY. I have been a member of the teamsters since January of 1919.

Mr. KENNEDY. You came in as a truckdriver at that time?

Mr. HICKEY. That is correct.

Mr. KENNEDY. You have been with them ever since?

Mr. HICKEY. I have.

Mr. KENNEDY. How long have you been an officer of your local?

Mr. HICKEY. January 1, 1937.

Mr. KENNEDY. About 20 years, then?

Mr. HICKEY. That is correct.

Mr. KENNEDY. What office did you have at the beginning in 1937?

Mr. HICKEY. Secretary-treasurer of local 807.

Mr. KENNEDY. Local 807 has how many members?

Mr. HICKEY. About 11,000.

Mr. KENNEDY. Is that the biggest local in New York?

Mr. HICKEY. It is.

Mr. KENNEDY. Is it the biggest local in the country?

Mr. HICKEY. No; it is not the biggest in the country, but it is the largest truckdrivers' local in New York.

MR. KENNEDY. What area do you work? What area do you cover in your local?

MR. HICKEY. Metropolitan New York and the five boroughs.

MR. KENNEDY. All the truckdrivers?

MR. HICKEY. We don't have all of them, but we have the vast majority of them. Some are involved in other local unions.

MR. KENNEDY. What?

MR. HICKEY. Some are members of other local unions.

MR. KENNEDY. You are also the sixth international vice president of the teamsters?

MR. HICKEY. That is correct.

MR. KENNEDY. When did you become that?

MR. HICKEY. September 1951.

MR. KENNEDY. Is that an elective post?

MR. HICKEY. I was appointed by the late President Tobin, and was reelected in the Los Angeles convention in 1952.

MR. KENNEDY. And are you up for reelection?

MR. HICKEY. I come up this next month at the convention.

MR. KENNEDY. Do you have any opposition to that position?

MR. HICKEY. From what I understand, I have.

MR. KENNEDY. Is that Mr. O'Rourke?

MR. HICKEY. That is correct.

MR. KENNEDY. That is Mr. O'Rourke, who testified here yesterday and invoked the fifth amendment?

MR. HICKEY. That is right.

MR. KENNEDY. He is your opposition for the sixth vice presidency of the teamsters.

MR. HICKEY. So far as I know.

MR. KENNEDY. You held this position as president of local 807 in 1952 and 1953?

MR. HICKEY. Secretary-treasurer.

MR. KENNEDY. Secretary-treasurer.

Were you familiar at that time with the activities of Mr. John Dioguardi in New York City?

MR. HICKEY. I knew very little about his activities except what I heard through the grapevine.

(At this point, Senator Kennedy entered the hearing room.)

MR. KENNEDY. Were you familiar with the fact that he was attempting an organization of the taxicabs?

MR. HICKEY. I was on that score. I was well informed there.

MR. KENNEDY. Could you tell us what you heard about it, and whether you had any dealings with him at that time? I am thinking particularly as of the end of 1952 and the beginning of 1953.

MR. HICKEY. Well, nobody seemed to pay any attention to taxicab drivers for a long while, and when I became the general organizer in that area I looked into the matter, and saw the need for organizing the cabdrivers.

I began stirring up some interest among the cabdrivers.

It was only a short time afterward when I understood there was a local 102 which was headed up by Mr. Dioguardi at that time, that he was also organizing cabdrivers. That was my first introduction to Mr. Dioguardi.

MR. KENNEDY. Were you attempting to organize them yourself at that time?

Mr. HICKEY. I was.

Mr. KENNEDY. And he was also attempting to organize them?

Mr. HICKEY. That is correct.

Mr. KENNEDY. So, did you run into, or did your organizations run into, one another?

Mr. HICKEY. Not directly on a personal basis, but we used to get reports back at the meetings of the activities of local 102, and that is how I became—that is how I first picked up the acquaintanceship of Mr. Dioguardi.

Mr. KENNEDY. Did Dio have a good reputation at that time?

Mr. HICKEY. We never really knew what he had. He professed to have a lot of members, but we never really knew.

Mr. KENNEDY. What about his reputation as a labor leader? Were you familiar with that at all?

Mr. HICKEY. Not as a labor leader, no.

Mr. KENNEDY. What steps did you take concerning Dio after you heard that he was active in the taxicab field, also?

Mr. HICKEY. I advised our organizers. We had about 200 volunteer organizers that were working in the taxicab field. I advised them to pay no attention to the activities of 102. I said "Don't get into any conflict with them because we got enough trouble on our hands getting by these employers."

But he never really amounted to any opposition as such in our attempts to organize the cab drivers.

Mr. KENNEDY. Was he receiving any support from any teamster officials for his drive in opposition to your drive?

Mr. HICKEY. At that time he was not, no.

Mr. KENNEDY. Subsequently, did he?

Mr. HICKEY. I feel that afterward he might have got the partial support of some of the people, some of the activities we were engaged in. They may have had a chance to either support or not support us.

Mr. KENNEDY. In 1953, did you attend some meetings that were attended, or attend a meeting that was attended, by Mr. Johnny Dio and other teamster officials?

Mr. HICKEY. I did.

Mr. KENNEDY. Was that also attended by Mr. James Hoffa?

Mr. HICKEY. It was.

Mr. KENNEDY. Was that in connection with the taxicab drive?

Mr. HICKEY. That was a meeting which, I think, was attempted to solve the jurisdiction of the taxicab drivers, as to whether the teamsters would take them over or 102 would get the charter.

Mr. KENNEDY. And that meeting was held at the Hampshire House in New York City?

Mr. HICKEY. It was.

Mr. KENNEDY. And at that time, had you understood by that time that Mr. Dio was being backed in his efforts by Mr. James Hoffa?

Mr. HICKEY. Mr. Hoffa at that meeting asked Mr. Beck to give the charter to 102.

Mr. KENNEDY. And to Mr. John Dio?

Mr. HICKEY. Well, Dio represented the local union at that time.

Mr. KENNEDY. So, if the charter was given to local 102, it would be a teamster charter that would be granted to Johnny Dio, is that right?

Mr. HICKEY. That is correct.

Mr. KENNEDY. And that is in 1953 at the meeting at the Hampshire House?

Mr. HICKEY. That is right.

Mr. KENNEDY. And did Dio talk to the meeting as to what his position had been in the taxicab organizational drive?

Mr. HICKEY. He went on to tell that he had been engaged in this business for about a year or so, I believe, and that he had spent somewhere around \$200,000, and they were willing to spend \$200,000 more if they could get a charter from the teamsters. This was either Dio or Doria who said this.

Mr. KENNEDY. Doria was there, also?

Mr. HICKEY. Doria was there; that is correct.

Mr. KENNEDY. Did you express opposition to this?

Mr. HICKEY. I opposed them bitterly. There is no question about that.

Mr. KENNEDY. What did you say?

Mr. HICKEY. I told them that the teamsters were well able to take care of the taxicab drivers, that they had been the forgotten man of the industry, and that we had an organization set up; we had enough people working for the teamsters union to take care of their situation as it should be taken care of, and that we didn't need any help or advice from the UAW.

Mr. KENNEDY. What did Mr. Hoffa say at this meeting?

Mr. HICKEY. Mr. Hoffa interceded for Mr. Dio, and indicated that the teamsters were in no position to organize them, that our efforts would not be as successful as 102's efforts under Mr. Dio.

(At this point, Senator Mundt entered the hearing room.)

Mr. KENNEDY. Why did he say Mr. Dio could do it better than the teamsters?

Mr. HICKEY. Well, he went on to describe a tieup that was in effect at the time with one of the transportation companies there that Dio had pulled at the time Mr. Hoffa was in New York. It impressed Mr. Hoffa no end, the fact that he had this particular barn tied up at the time.

Mr. KENNEDY. And what position did you take on that?

Mr. HICKEY. I took the position that that was just one of the things that happened, and it does happen. We do it ourselves. We tie up a barn for a couple of days over some grievance that we can't get adjudicated by the management, and then, after a couple of days, we put the men back to work.

Mr. KENNEDY. Did you feel that Mr. Dio's efforts had been successful in the taxicab drive that he was making in New York?

Mr. HICKEY. They had no material—nothing was shown there that proved that Mr. Dio had made any headway in organizing the cab-drivers.

Mr. KENNEDY. You understood that Mr. Dio and Mr. Hoffa, prior to this time, were friends, and this was the basis of Mr. Hoffa's backing of Dio?

Mr. HICKEY. They had been friends before that.

Mr. KENNEDY. What was finally decided at that meeting?

Mr. HICKEY. Well, the meeting lasted several hours, and when it broke up Mr. Beck was to decide what he was going to do about it.

Mr. KENNEDY. Were there any other meetings held during that period of time?

Mr. HICKEY. Not that I know of.

Mr. KENNEDY. Were you aware of the meeting that was held down in Florida between Hoffa and Dio?

Mr. HICKEY. That must have happened at the board meeting in February of that year.

Mr. KENNEDY. Excuse me?

Mr. HICKEY. That must have happened at the board meeting in February.

Mr. KENNEDY. Were you aware of that meeting in February?

Mr. HICKEY. I was at the meeting.

Mr. KENNEDY. Was Dio there then?

Mr. HICKEY. Not at the meeting with Dio. I only met Dio once. That was at the Hampshire House.

Mr. KENNEDY. That was at the Hampshire House?

Mr. HICKEY. That is correct.

Mr. KENNEDY. Were you aware that Dio had come down to Florida and met with Jimmy Hoffa and Dave Beck at that time?

Mr. HICKEY. Not until a long time afterward.

Mr. KENNEDY. Were you aware of any other meetings that were held during this period of time with Hoffa and Dio?

Mr. HICKEY. No, sir; I was not aware of it.

Mr. KENNEDY. Did you know that they also met here in Washington, D. C.?

Mr. HICKEY. I heard about that the last couple of days.

Mr. KENNEDY. But, prior to that time, you did not know it?

Mr. HICKEY. I did not.

Mr. KENNEDY. But, after the meeting at the Hampshire House, the decision was left up to Dave Beck; is that right?

Mr. HICKEY. That is correct.

Mr. KENNEDY. Will you tell us what happened then; what you heard next?

Mr. HICKEY. About a week or 10 days later, word came to me that the charter was to be left with me, and I was to continue to organize the cabdrivers in the city of New York.

Mr. KENNEDY. Did you understand that, initially, Beck was going to grant the charter to Johnny Dio?

Mr. HICKEY. I never knew Mr. Beck's position on the matter until he finally rendered a decision.

Mr. KENNEDY. You were not familiar with that fact; that he was going to grant it to Johnny Dio, and that Mr. Meany met with him and got him to change his mind?

Mr. HICKEY. We had raised such a fuss up there that Meany had ordered the UAW to get out of the taxicab field, and I believe that was what promoted the meeting in the Hampshire House, where the matter was solved, where the hearing was held that solved the entire matter.

The CHAIRMAN. Was Mr. Beck present at the Hampshire House meeting?

Mr. HICKEY. He was.

Mr. KENNEDY. So, following the Hampshire House, Mr. Meany rendered a decision that the charter would remain with you, and that Mr. Johnny Dio would not receive the charter from the teamsters?

Mr. HICKEY. Mr. Beck did that.

Mr. KENNEDY. Mr. Beck did?

Mr. HICKEY. That is right.

Mr. KENNEDY. But there is no question that, at one period of time; namely, at the time that you held the meeting at the Hampshire House, there were efforts made by James Hoffa to get a teamster charter granted to Johnny Dio?

Mr. HICKEY. No question about that.

Mr. KENNEDY. Subsequently, in 1953 and 1954, did you have any dealings with Johnny Dio?

Mr. HICKEY. No, sir.

Mr. KENNEDY. Did you know anything about the locals that he had operating in New York City?

Mr. HICKEY. What I knew was just hearsay. I had met some of the people who said that they were working for him or connected through the UAW, the various locals they had chartered.

Mr. KENNEDY. Did you have any opposition from any of them, any of the places that you went into?

Mr. HICKEY. In one case we had some opposition from—I think it was local 224.

Mr. KENNEDY. 224? Could you just outline briefly what the problem was as far as 224 is concerned?

Mr. HICKEY. We organize——

Mr. KENNEDY. That is Mr. Seglin; is that right?

Mr. HICKEY. Seglin; yes.

Mr. KENNEDY. Mr. Chairman, Mr. Seglin is one of those who has appeared before the committee and who has taken the fifth amendment.

Go ahead.

Mr. HICKEY. We organized a group known as the Happy Days Trucking Co., who done most of their work for the Revlon Cosmetic Co. We signed up every one of the drivers, and offered the company a contract. The local 224 immediately got into the picture and said they represented the men. We petitioned the board for a certification, which is the proper procedure. Finally it was worked out that we were under so much opposition from local 224 that it was agreed that we would pull out of that job until—they said they had a contract—until such time as their contract expired, which was close to a year, and a year later we came back into the picture because of the fact that the men were thoroughly disgruntled with 224 and they would have nothing to do with them.

But 224 had some sort of an agreement with the company. It finally wound up by we went into court, they got an injunction, and Seglin presented me with the injunction. He served the injunction on me that was issued to the company by the court, and it finally was settled that we would let them take the dues—all they were interested in was getting the dues for a certain period—and then we could have the job after that.

A week or two before the time limit expired on the Happy Days contract with 224, the company transferred their operations, their warehouse operations and their trucking operations over to Jersey, somewhere in the neighborhood of Bergen County, and that was the last we had to do with that job.

I understand the men have been transferred now to local 560 of the teamsters in Hoboken.

Mr. KENNEDY. So once again this is an example of local 224 officials having made an arrangement with management rather than with the employees?

Mr. HICKEY. There was no doubt about that one.

Mr. KENNEDY. You came in and upset it, and the officials of 224 finally made an agreement with you that they would get the dues and you would get the membership subsequently, is that right?

Mr. HICKEY. That came down in the decision, I think, that was worked out by the lawyers. My main interest was getting these men in the Teamsters Union and out from the UAW.

Mr. KENNEDY. Under the contract between 224 and the company, were there lower wages and less hours than would have been under the teamsters?

Mr. HICKEY. About \$25 a week less per week than we get for our men for comparable service.

The CHAIRMAN. Is that what you would term a very sweet sweet-heart contract?

Mr. HICKEY. We called it under the hat.

The CHAIRMAN. Under the hat?

Mr. HICKEY. That is right.

Mr. KENNEDY. What generally was the reputation, going through 1953 and 1954, of these UAW-AFL unions in New York City?

Mr. HICKEY. There was no reputation as a general thing. We used to meet them as individuals. They would have a strike and ask us to support them. In most cases we didn't go along. 807 wouldn't go along with anything that smells of any illegitimate background.

Mr. KENNEDY. Did it smell that way to you, these locals?

Mr. HICKEY. In most of the cases they did. In some of the cases we would support them and in some we wouldn't.

Mr. KENNEDY. But generally you were not favorably impressed with their trade union?

Mr. HICKEY. We were always suspicious of anything that the UAW locals had anything to do with, due to our experience with them ourselves.

Mr. KENNEDY. In 1954, Mr. Hickey, there were some negotiations that were taking place regarding a contract of certain truckers?

Mr. HICKEY. That was our general contract which expired August 31, 1954.

Mr. KENNEDY. Could you tell the committee what happened in connection with that?

Mr. HICKEY. We had always argued for an areawide agreement. There are about 6 or 7 local unions involved in the city of New York who compete with us for the same kind of work, and while the jurisdiction is plainly ours they have parts of it and they have enough of it to be considered a sizable element in the industry.

We had arranged an areawide committee, consisting of about 9 or 10 locals. We took in Jersey in this particular setup, too. We had agreed on a joint resolution which would represent the wage scale and the various contracts for all the local unions. We had been going along pretty well on that for about 2 months, or 2 months and a half. We had the over-the-road fellows working with us, which was local

707. We had 560, 641, 617, local 478, local 807, local 445. Those constituted the majority of the local unions.

We hadn't got too far with the employers, particularly the over-the-road fellows, who were hollering murder. We wanted a real sizable increase and they were averse to giving it to us. So we got to a situation where the international union was advised. We keep them advised of our activities. They sent in a group of vice presidents from the rest of the country.

Mr. KENNEDY. Who was the one that took charge then?

Mr. HICKEY. Well, they come in as a group. There was 4 or 5 of them from the West Coast, the Middle West, and other parts of the country. They sat down with us and tried to find out what was the trouble.

The trouble was very evident. We weren't getting along. We weren't getting anywhere with them. We hadn't had even the wage increase offered to us; not a dime. We were asking for somewhere in the neighborhood of about 50 cents an article plus other articles that go into the contract, and they wanted to know what they could do to help us along.

Mr. Beck sent them in there, and that was the reason they came in.

Mr. KENNEDY. Was Mr. Hoffa one of those who came in?

Mr. HICKEY. Mr. Hoffa was one of those vice presidents, that is true.

Mr. KENNEDY. And subsequently, he was the one that headed up the negotiations with the truckers?

Mr. HICKEY. When Mr. Hoffa come in, he assumed, actually, full charge of the negotiations.

Mr. KENNEDY. Then what was your position after that?

Mr. HICKEY. I was removed as chairman. I was acting as chairman of the group. Shortly thereafter I was removed as chairman and Mr. O'Rourke was substituted for me.

Mr. KENNEDY. And then did you walk out of the negotiations at that time?

Mr. HICKEY. The local. Our local walked out. We walked out and signed a contract and settled for a quarter, for a quarter an hour.

Mr. KENNEDY. What was Mr. Hoffa trying to settle for at that time?

Mr. HICKEY. There was a contract that never was really presented which accounted for 18 cents the first year and 7 cents the second year.

Mr. KENNEDY. And you subsequently settled for 25 cents yourself?

Mr. HICKEY. We walked out of the meeting and tied up our jobs. Within 3 or 4 days we had the majority of them signed up for a quarter an hour plus the other details that went along with the contract.

Mr. KENNEDY. At these meetings that were taking place, did Mr. Dio attend the last one, or one of those that took place?

Mr. HICKEY. I never saw Mr. Dio at any of those meetings.

Mr. KENNEDY. Did you understand that he attended one of the meetings at the Henry Hudson Hotel?

Mr. HICKEY. I was told he did. I didn't see him.

Mr. KENNEDY. Were you told at that time Mr. Hoffa offered him a job publicly in the teamsters union?

Mr. HICKEY. I believe that item appeared in the newspaper. That is the most I know about that.

Mr. KENNEDY. In the New York Times?

Mr. HICKEY. The New York Times, I believe, they covered that.

The CHAIRMAN. I hand you what appears to be a photostatic copy of a newspaper article, a New York Times article, of April 12, 1954. I ask you to examine it, particularly the last paragraph of the article, and see if that refreshes your memory about where you may have read of that incident.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. HICKEY. What is the question, sir, in regards to this?

The CHAIRMAN. Do you recognize that article? Is that the one you read?

Mr. HICKEY. That is correct.

The CHAIRMAN. That may be made exhibit 141.

(The document referred to was marked "Exhibit No. 141" for reference and will be found in the appendix on p. 4910.)

The CHAIRMAN. Will you read the last paragraph of it, that part that is pertinent?

Mr. KENNEDY. I think there are a few lines above the last paragraph.

Mr. HICKEY. The days' events came to a curious end with the appearance on the second floor of the hotel where the negotiations took place of Mr. Johnny Dioguardi, Johnny Dio, convicted garment-industry extortionist, who, until recently, had been a power in the United Automobile Workers, AFL.

Dio warmly greeted Mr. Hoffa, the teamsters vice president from Detroit, and asked to speak privately with him for 2 minutes and announced he was looking for a job.

Mr. Hoffa, who appeared to know Dio well, said at that point, "Well, you always know where you can get one."

That is the end of that.

The CHAIRMAN. That is the source of your information as to what may have occurred?

Mr. HICKEY. That's right.

Mr. KENNEDY. Did you know anything of the activities of Mr. Dio during this period of 1954-55?

Mr. HICKEY. No, outside of his activities in the cab industry previous to that.

Mr. KENNEDY. Did you understand during this period that Mr. Hoffa was a friend of his, a close friend of his?

Mr. HICKEY. It was generally known that he and Hoffa were pretty good friends.

Mr. KENNEDY. In 1955 these so-called phony locals received their charters. Were you aware at all prior to that time that the letters were received by the joint council, that these phony locals were in existence?

Mr. HICKEY. I had heard that there were going to be some charters issued. The reason I got that information is that some people came to me and asked me if I knew anything about it.

I said, "No," I hadn't heard anything about it as yet, but if they are to be issued I will hear about it.

Mr. KENNEDY. Why did you think that you would not hear about them before they were issued?

Mr. HICKEY. Well, the regular procedure there was, if you wanted to get a charter in the teamsters, you would apply either directly to the international union or to the general organizer in the area.

They hadn't applied to me. I had no conception of what was going on.

Mr. KENNEDY. So when you heard from Mr. Lacey that these charters had been issued or that he had received letters requesting that these delegates from these various locals be seated, were you surprised?

Mr. HICKEY. I was more than surprised. I hadn't heard anything about the creation of those local unions.

Mr. KENNEDY. And it had been understood that you would be notified prior to the time that the locals would be given charters in New York?

Mr. HICKEY. It is the usual procedure to notify the general organizer in that area.

Mr. KENNEDY. Would you tell the committee how you heard about it and what occurred?

Mr. HICKEY. I got a telephone call from Lacey, and Lacey wanted to know, "What's going on here?" He said, "I have a deal with the international union that they will notify the council if there is new charters to be issued in this area." He said, "I understand there have been six of them chartered and I don't know anything about it."

So I told him he knew more about it than I did. I knew less about it than he did. I asked him to send me a copy of the letters that he had received to seat these local unions in joint council 16.

That was my introduction to the paper locals.

Mr. KENNEDY. Did you find anything out about them at that time after the letters came in?

Mr. HICKEY. No. The only information I got was from Lacey, when he would be contacting the international union. He couldn't find out too much and I found out less.

Mr. KENNEDY. Did you know where these people had come from that were the applicants on the charters, that were the officers on the charters?

Mr. HICKEY. We had some reason to believe they came from some of the UAW locals, because the numbers corresponded in some cases.

Mr. KENNEDY. Did you know who made the request that these charters be issued? Did you know that that time?

Mr. HICKEY. No, I did not.

Mr. KENNEDY. Have you found out since then?

Mr. HICKEY. I understand that Mr. Hoffa had okayed those charters.

Mr. KENNEDY. That Mr. Hoffa had made the request that these charters be issued?

Mr. HICKEY. He had some discussion with the international union on the granting of these charters long before that.

Mr. KENNEDY. Do you mean before they were issued?

Mr. HICKEY. Before they were really issued.

The CHAIRMAN. Do you mean to imply that it is your understanding that the idea of setting up these bogus locals originated with Hoffa?

Mr. HICKEY. That is the way I found things to be later on. Not at that time.

The CHAIRMAN. That is what you learned later?

Mr. HICKEY. That is right.

Mr. KENNEDY. I want to give you a blank application for a charter.

The CHAIRMAN. Mr. Hickey, I present to you what I am advised is an application for charter form which is used in making application for a charter.

This is just the regular form, I believe. Will you examine it and identify it, and if I am correct as to what it is?

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. HICKEY. That is the regular form of application for a charter.

The CHAIRMAN. That is the regular form of application that is used to make an application for a charter from the International Brotherhood of Teamsters?

Mr. HICKEY. That is correct.

The CHAIRMAN. Will you look on the reverse side of it and read the last paragraph, I believe?

Mr. HICKEY (reading) :

In cities or towns where there is already established a joint council of this international, such council must be given written advice of this charter application.

The CHAIRMAN. That is a part of the application for a charter. In other words, in the application itself, it is recognized that where there is a joint council, that the joint council will be given notice?

Mr. HICKEY. That is correct.

The CHAIRMAN. Was that procedure followed in the issuance of charters to these six locals?

Mr. HICKEY. No, sir.

The CHAIRMAN. Seven, I believe it is, finally.

Mr. HICKEY. No, sir.

The CHAIRMAN. Do you think or do you now believe that the international acted with propriety in issuing those charters without following the established procedures?

Mr. HICKEY. I do not.

The CHAIRMAN. Then do you think they entered into—apparently they did—a conspiracy with certain interests up there, the applicants for these charters, to issue the charters for the purpose of controlling the election in joint council 16?

Mr. HICKEY. Well, that was what the result was, yes, that is correct.

The CHAIRMAN. That was apparent all the way through after you got acquainted with the situation?

Mr. HICKEY. That is correct.

The CHAIRMAN. Do you think that is an improper practice for an international union to pursue?

Mr. HICKEY. I would say that is an incorrect practice, yes.

The CHAIRMAN. You would say what?

Mr. HICKEY. It is incorrect to do things in that fashion.

The CHAIRMAN. In fact, it would be a little bit reprehensible, would it not?

Mr. HICKEY. It would.

The CHAIRMAN. Thank you.

That may be made exhibit No. 142.

(The document referred to was marked "Exhibit No. 142" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Was there ever any question in your mind after you learned about these charters? Was there ever any question in your mind that they were charters for the purpose of swinging the election in New York?

Mr. HICKEY. I think that is the principle factor that came out of that deal. The election was coming on and everybody knew about it.

These 6 or 7 charters would certainly be a deciding factor.

The CHAIRMAN. After the charters were issued, after you knew about them, did you ever get information as to who the applicants for the various charters were?

Mr. HICKEY. We tried to dope that out from the names that were listed to be seated in the joint council as delegates, and we could not place too many of them. I do not think we placed any of them, just as to who they were.

The CHAIRMAN. You did not know at that time, then, as it has later developed, that many of them were already ex-convicts and convicted of crimes?

Mr. HICKEY. We learned that later.

The CHAIRMAN. You learned that later. Initially, you did not know that?

Mr. HICKEY. No, sir.

Mr. KENNEDY. You took an active part in 1956 in supporting Martin Lacey?

Mr. HICKEY. I supported him all the way.

Mr. KENNEDY. That was in the election. Now, during this period 1956 and prior to that in 1955, had Mr. Hoffa been attempting to get rid of you in New York City?

Was he looked upon as being unfriendly to you? Did you look upon him as being unfriendly?

Mr. HICKEY. I might say that the situation was very unfriendly between Mr. Hoffa and myself.

Mr. KENNEDY. Did you understand that he was making some long-range plans to try to get rid of you in New York City?

Mr. HICKEY. I believe that was the case.

Mr. KENNEDY. Did you know that during this period of time he was carrying on conversations with Mr. Dio toward trying to get rid of you as an influence in New York City?

Mr. HICKEY. I wouldn't know about his conversations with Dio regarding myself.

Mr. KENNEDY. But you knew during this period that he was anxious to get rid of you as an important factor in teamster affairs in New York City?

Mr. HICKEY. I would say so.

Mr. KENNEDY. And you expect that in the election that is coming up for the presidency, he will oppose you?

Mr. HICKEY. I believe he will.

Mr. KENNEDY. And that you, right from the beginning in New York City, were opposed to Mr. Johnny Dio, isn't that correct?

Mr. HICKEY. That is so.

Mr. KENNEDY. And opposed to bringing him into the teamsters union, opposed to having him granted a charter in New York City?

Mr. HICKEY. I was opposed to issuing charters to anybody of ill repute who would bring the international into what is known as disrepute with the general public in the city of New York.

The CHAIRMAN. Was Dio in ill repute at that time?

Mr. HICKEY. It would seem to be that was the position he held at the time.

The CHAIRMAN. That was the position he held at the time. Are you sure that was known to Mr. Hoffa?

Mr. HICKEY. Mr. Hoffa could have found it out easily enough.

The CHAIRMAN. In other words, you do not know how he could have escaped notice of it?

Mr. HICKEY. I doubt that very much.

Senator KENNEDY. Mr. Hickey, how long did you say you had been in the teamsters?

Mr. HICKEY. As a member?

Senator KENNEDY. Yes.

Mr. HICKEY. January 1919.

Senator KENNEDY. What did you start off as?

Mr. HICKEY. A truckdriver.

Senator KENNEDY. Then how long before you were an officer of the local?

Mr. HICKEY. I was elected in December, 1936 as secretary-treasurer of the local 807.

Senator KENNEDY. And when were you elected president of your local?

Mr. HICKEY. I took office in January 1937.

Senator KENNEDY. When were you elected international organizer?

Mr. HICKEY. December 1951.

Senator KENNEDY. And you have not been up for reelection since then as international organizer?

Mr. HICKEY. I came up for election in 1952.

Senator KENNEDY. Then what?

Mr. HICKEY. I was the only one who was contested at the election.

Senator KENNEDY. The 1952 election?

Mr. HICKEY. Yes.

Senator KENNEDY. Who ran against you then?

Mr. HICKEY. O'Rourke.

Senator KENNEDY. That was at the national convention?

Mr. HICKEY. That's right.

Senator KENNEDY. Did you come up for election again?

Mr. HICKEY. I come up in September of this year, September of 1957.

Senator KENNEDY. Mr. O'Rourke is running against you?

Mr. HICKEY. I believe he is going to be my opponent.

Senator KENNEDY. In your local union, how often do you come up for election?

Mr. HICKEY. Every 3 years.

Senator KENNEDY. Were you contested in your own local?

Mr. HICKEY. We always get a contest in our local.

Senator KENNEDY. When did you come up again?

Mr. HICKEY. This December.

Senator KENNEDY. Has there been any effort made by those opposed to you to support opposition to you in your own local?

Mr. HICKEY. I believe in the last election in 1954 they went all out to get rid of me in local 807 as secretary-treasurer.

Senator KENNEDY. Who are "they"?

Mr. HICKEY. The people with whom we don't cooperate. I would be here all day if I was to tell you who "they" are.

(At this point, Senator McClellan withdrew from the hearing room.)

Senator KENNEDY. When you say not cooperating, do you mean the people within the local or people from outside the local?

Mr. HICKEY. All outside influences.

Senator KENNEDY. Mr. O'Rourke and Mr. Hoffa, are they connected with it in your opinion?

Mr. HICKEY. Mr. O'Rourke was. I don't know what part Mr. Hoffa played in that election.

Senator KENNEDY. You came up for reelection as international organizer in September and reelection as secretary-treasurer of your local union in December?

Mr. HICKEY. I come up for reelection as secretary-treasurer the first week of December in this year, 1957.

Senator KENNEDY. I want to say Mr. Hickey's reputation has always been the highest. I think it is men like him who have brought the teamsters up and maintained their reputation in the country, prior to the present difficulties.

I think it is with the influence of men like him that the teamsters will win back the public support, which I hope they will do in the next few months and which I am sure is the ambition of most teamsters and, I am sure, is the ambition of Mr. Meany and the leaders of the AFL and CIO.

Mr. HICKEY. It has gotten me into a lot of trouble.

Senator KENNEDY. Opposing these groups?

Mr. HICKEY. Yes.

Senator KENNEDY. Well, I think you have performed a service to the union and to the public.

Senator McNAMARA. I would like to ask the witness a question, Mr. Chairman.

Mr. Hickey, you mentioned a tieup in relation to affairs that were discussed at the Hampshire House meeting, Dio had a tienp. What do you mean by that? A strike?

Mr. HICKEY. He had a branch of the taxicab industry shut down at that particular time.

Senator McNAMARA. What branch of the taxicab industry? Do you remember?

Mr. HICKEY. I believe it was the National Transportation.

Senator McNAMARA. Are they a substantial portion of the taxicab industry in New York?

Mr. HICKEY. They are one of the biggest.

Senator McNAMARA. What?

Mr. HICKEY. They are one of the biggest.

Senator McNAMARA. And he had them completely shut down?

Mr. HICKEY. No. They may have 8 or 10 branches, and he had—

Senator McNAMARA. What was—pardon?

Mr. HICKEY. And he had a branch with garages somewhere in New York, around 60th Street, shut down at the time over some dispute they had with management.

Senator McNAMARA. And it appeared that he had an organization of cabdrivers, and that he had control over it?

Mr. HICKEY. It was to show the company that he represented the cabdrivers.

Senator McNAMARA. Was that his first activity in organized labor as far as you know?

Mr. HICKEY. No. I wouldn't know, I wouldn't know too much about his background earlier than that.

Senator McNAMARA. That is the first you know about him as far as labor movement is concerned?

Mr. HICKEY. Yes.

Senator McNAMARA. You indicated that he had a bad reputation generally at that time?

Mr. HICKEY. If you were to read the newspaper, Dio was very prominent at the time.

Senator McNAMARA. He had been convicted prior to that time for something?

Mr. HICKEY. Yes; he had been convicted for something in the garment industry previous to that.

Senator McNAMARA. But not connected with organized labor?

Mr. HICKEY. I don't know what that was all about.

Senator McNAMARA. And you do think he might have been connected with organized labor prior to that time; is that it?

Mr. HICKEY. In some fashion, yes.

Senator McNAMARA. The committee has had no indication of that up to now. His activities have been in the management end of the business up to that time.

Mr. HICKEY. Well, I had read that in the newspaper. That is the only information I have on that.

Senator McNAMARA. What was the purpose of the meeting at the Hampshire House?

Mr. HICKEY. To settle a dispute between the UAW and the IBT over who was going to run the cabdrivers.

Senator McNAMARA. Who presided at the meeting?

Mr. HICKEY. I don't think anybody presided. It was just an informal gathering.

Senator McNAMARA. Just a few people there?

Mr. HICKEY. There was about 7 or 8 people.

(At this point, Senator McClellan entered the hearing room.)

Senator McNAMARA. You were representing who at that meeting? your local?

Mr. HICKEY. I was representing in the main the taxicabdrivers in the city of New York. I represented that point of view.

Senator McNAMARA. But you were there in official representation of some outfit; weren't you?

Mr. HICKEY. Well, I am the trustee of the cabdrivers in the city of New York, local 826.

Senator McNAMARA. Did you have a substantial number of the cabdrivers organized at the time of the meeting at the Hampshire House?

Mr. HICKEY. We didn't have them organized in the fashion that we generally accepted as being organized. We had them signed up through application cards. We have about 18,000 of them signed

up now. They represent a sizeable amount of people in the city of New York.

Senator McNAMARA. But at this time you didn't have them actually under organization to that degree?

Mr. HICKEY. We don't have them under that agreement yet.

Senator McNAMARA. That is a peculiar thing. How do you represent them if they are not in your organization?

Mr. HICKEY. You represent a man as soon as he signs an application card saying he becomes a member of local 826 and authorizes you to represent him.

Senator McNAMARA. Does he pay dues?

Mr. HICKEY. He pays an initiation fee. In this particular case we didn't collect any dues off many of them. We have about five or six hundred that continue to pay dues even now, with no contract.

Senator McNAMARA. And this was just a small group of people, and Dave Beck was there, and Dio, and yourself and Hoffa. They were not official representatives of anything, then, apparently? It was a loose-knit outfit. How did they get together?

Mr. HICKEY. It was an impromptu meeting. I think it was called by Beck.

Senator McNAMARA. Beck invited Dio, in your estimation?

Mr. HICKEY. Well, I was told to be there.

Senator McNAMARA. You were instructed to be there by Beck?

Mr. HICKEY. That is right.

Senator McNAMARA. How did Dio get there? Do you know?

Mr. HICKEY. That I don't know. I didn't know who I was going to meet at the meeting myself, until we got there.

Senator McNAMARA. It is a very unusual procedure; is it not?

Mr. HICKEY. No; it happens like that.

Senator McNAMARA. Impromptu, did you say?

Mr. HICKEY. It was impromptu; yes.

Senator McNAMARA. What does that mean, in your estimation?

Mr. HICKEY. On the spur of the moment.

Senator McNAMARA. Did they just happen to meet?

Mr. HICKEY. No.

Senator McNAMARA. Was it arranged?

Mr. HICKEY. It was arranged.

Senator McNAMARA. Then it wasn't impromptu but it was arranged.

Mr. HICKEY. So far as I was concerned, it was impromptu.

Senator McNAMARA. You were instructed to be there?

Mr. HICKEY. That is right.

Senator McNAMARA. Apparently it was planned and you were instructed to be there by your superior.

Mr. HICKEY. That is right.

Senator McNAMARA. I don't understand what you mean by it being "impromptu." It was a planned meeting. You were instructed to be there by your superior?

Mr. HICKEY. That is correct.

Senator McNAMARA. The purpose was to try to do something about organizing the taxicab drivers?

Mr. HICKEY. That is right.

Senator McNAMARA. At that time you had very little organization in the industry?

Mr. HICKEY. We were just getting going at that time.

Senator McNAMARA. Just starting?

Mr. HICKEY. That is right.

Senator McNAMARA. You now have them substantially organized?

Mr. HICKEY. We have better than 18,000 members signed up out of about 30,000, and right now we are before the board in New York. We have been in there since September trying to get the jurisdiction between the two boards straightened out so we can go to work.

Senator McNAMARA. Is there an employers organization that you deal with?

Mr. HICKEY. There is. Several employers organizations.

Senator McNAMARA. They don't have a joint organization that you can deal with all the cab owners in the city of New York?

Mr. HICKEY. What we are trying to do now is get a citywide election for all the cabdrivers, whether they work for 1, 2, 3, or 4 companies, no matter who they work for.

Senator McNAMARA. You haven't negotiated with management as yet, then?

Mr. HICKEY. No, we have not.

Senator McNAMARA. You don't have any working agreement?

Mr. HICKEY. We have no working agreement at the present time.

Senator McNAMARA. You haven't been able to improve the conditions of the workers very much up to now?

Mr. HICKEY. We took the question up with the Governor, Governor Harriman. We took it up with Mayor Wagner, and told him what his responsibility was in regards to taxicabs, because with 35,000 taxicab drivers running around the city of New York, taxicabs play an important feature in the transportation setup.

We told him we had a meeting in January of 1957 in Manhattan Center, and we had about 10,000 people who came to that meeting, and they voted strike. Well, we know better than to pull a strike unless we are prepared for it. We talked them out of it and went down to see the mayor and the police commissioner and explained to him what our position was. We wanted his help, his advice; his help in particular. He referred us to the mayor.

We immediately got in touch with the mayor and he brought the police commissioner in and the different functionaries in the city of New York, and they advised us to go before the board and hold an election, an NLRB or State board election, and become the bargaining representative of these drivers, which we have attempted to do since last September, and which is held up now because of some fight between NLRB and the State board over who has jurisdiction.

Now it is their jurisdiction; not ours. So we are in a bit of a spot right now.

Senator McNAMARA. You, however, feel that you are on the verge of organizing the cabdrivers?

Mr. HICKEY. There is no doubt about it.

Senator McNAMARA. That is, into a legitimate trade-union organization.

Mr. HICKEY. The best union they can get.

Senator McNAMARA. Well, you might get an argument on that.

Mr. HICKEY. We think at least it is the best union they can get, where they will be able to run their own affairs.

Senator McNAMARA. Did Dio's outfit do any good for the cabdrivers at all? Did he get them any improved working conditions or wages?

Mr. HICKEY. No. The only thing that has happened in New York recently is an increase in fare that the employers got. But the drivers got little or nothing out of that.

Senator McNAMARA. Do you think that was likely through Dio's efforts?

Mr. HICKEY. No. The people who are now members of local 826 of the teamsters opposed the increase in fare without an increase to the drivers.

Senator McNAMARA. How could you oppose it? You didn't have the organization to deal with it.

Mr. HICKEY. I say the people who are now members of local 826 of the teamsters were very active in opposing the city fathers from granting them an increase.

Senator McNAMARA. How could they oppose it? They didn't have any organization.

Mr. HICKEY. They opposed it whether they had an organization or not.

Senator McNAMARA. Individually, I suppose?

Mr. HICKEY. A public hearing.

Senator McNAMARA. They appeared before a public hearing held by whom?

Mr. HICKEY. By the mayor. He has control over taxicabs.

Senator McNAMARA. Then individual cabdrivers appeared and opposed it; is that right?

Mr. HICKEY. That is correct.

Senator McNAMARA. You indicate that prior to the Hampshire House meeting, in your estimation, Hoffa and Dio were friends. I am sure the committee is interested in that.

How friendly were they? What do you know about their friendship?

Mr. HICKEY. I know that they were friends. To what degree, I couldn't very well—

Senator McNAMARA. Were they visitors to each other's homes?

Mr. HICKEY. I wouldn't know anything about that.

Senator McNAMARA. What do you mean by saying they were friends? You must have something in mind.

Mr. HICKEY. Well, they knew one another.

Senator McNAMARA. They were acquaintances?

Mr. HICKEY. Yes, acquaintances. They knew one another. They had met one another. I supposed they talked to each other about different matters.

Senator McNAMARA. What you are talking about, then, generally, is that they were acquaintances rather than friends; is that right?

Mr. HICKEY. That is right.

Senator McNAMARA. The prior answer that you gave was that they were friends. I wondered how you determined the friendship, whether they were buddies or visited back and forth.

Mr. HICKEY. Many people connected with labor might meet people at conventions and meetings and things like that, and may strike up a speaking acquaintance and see each other from time to time.

Senator McNAMARA. We established prior in the conversation between you and me that this was in the early days of Dio's association with organized labor?

Mr. HICKEY. It went back previous to 1953.

Senator McNAMARA. But not much, however?

Mr. HICKEY. That I wouldn't know.

Senator McNAMARA. You talk about labor conventions. They don't occur every week or something like that.

Mr. HICKEY. Well, every year we have meetings.

Senator McNAMARA. I think we have established that you feel now you do not know too much about this friendship. You mentioned the friendship, but what you meant was that you knew of an acquaintanceship?

Mr. HICKEY. That is correct.

Senator McNAMARA. Why should Hoffa try to get rid of you as an international vice president? Actually, you were the sixth international vice president?

Mr. HICKEY. Yes, sir.

Senator McNAMARA. He was the ninth. That indicates that you were a national vice president before he became one, does it not?

Mr. HICKEY. Hoffa became an international vice president at the convention in 1952.

Senator McNAMARA. And you became one in 1951?

Mr. HICKEY. I became a vice president by appointment of Dan Tobin in 1951.

Senator McNAMARA. So when you get back to the Dan Tobin days, Dan appointed you, so it indicated that you had a close working relationship with Dan Tobin.

Mr. HICKEY. Very friendly.

Senator McNAMARA. Hoffa seemed to have the same relationship, did he not?

Mr. HICKEY. I wouldn't know what Hoffa's relationship was with Tobin.

Senator McNAMARA. If you attended many conventions, with Hoffa and Tobin, they seemed to get along, did they not?

Mr. HICKEY. Well, there was no other reason to believe but what Hoffa was friendly, being a fact in the Middle West.

Senator McNAMARA. Then why should Hoffa try to get rid of you as vice president? Can you make that clear to the committee?

Mr. HICKEY. I really don't know, except that him and I didn't see eye to eye on how things should be done.

The 1954 areawide committee broke up and I helped to break it up, because we didn't want to take any contract from anybody that was originated in the Middle West and come into New York City and say "Here it is. You take this or else."

We wouldn't take it and we walked out.

Senator McNAMARA. I think I know what you mean.

Senator Ives feels that way about people from the Middle West, too. It seems to be a feeling of New Yorkers, generally.

When you leave New York, you are just camping out.

Mr. HICKEY. You are camping out. That is right.

Senator McNAMARA. Well, that is kind of a natural reaction.

There must have been more of a basis than that to the feeling between you and Hoffa that he wanted to get rid of you. He would not want to get rid of you for that, would he? That is sort of an accepted thing by people generally.

You do not know of anything beyond that? It was just this feeling that you did not want to let them so-and-so's from the Midwest handle your affairs in the East?

I am from the Midwest, incidentally.

Mr. HICKEY. We have a local union and we have people that pay dues, to represent them. They have paid us dues for a long while and they want us to represent them.

When they don't want us in there, they will vote us out.

Senator McNAMARA. What is your scale in New York for a truck-driver?

Mr. HICKEY. It runs from \$100 a week for a tractor-trailer driver down to about \$89 for a helper and about \$92 a week for a straight truckdriver.

Senator McNAMARA. How does that compare with the wage scale of truckdrivers in the Detroit area?

Mr. HICKEY. I believe our scale is higher.

I am talking now about the general trucking.

Senator McNAMARA. I am talking about truckdrivers as such. You cover the entire field of truckdrivers, do you not?

Mr. HICKEY. That is right. We have just the general trucking.

Senator McNAMARA. What is the number of the local that covers the building trades, the building service?

Mr. HICKEY. 282 has building supplies.

Senator McNAMARA. 282?

Mr. HICKEY. Yes. That is O'Rourke's local.

Senator McNAMARA. And this was Lacey's local?

Mr. HICKEY. And then there is Lacey's local that has part of general trucking, too.

Senator McNAMARA. Mr. Hickey, as secretary-treasurer of local 807, that is a paid job, is it not?

Mr. HICKEY. No, sir.

Senator McNAMARA. You are not paid a salary?

Mr. HICKEY. I get no money from local 807, no salary.

Senator McNAMARA. You are an unpaid local official? Your main job is vice president—

Mr. HICKEY. No; my main job is organizer for the teamsters. I get paid for that job only. I get nothing for being vice president.

Senator McNAMARA. You are representing the president of the teamsters international in the area?

Mr. HICKEY. That is correct.

Senator McNAMARA. What is your relationship with district council No. 16? Are you a delegate, or do you have any official position?

Mr. HICKEY. No; I am a delegate to the council by virtue of being secretary-treasurer to local 807.

Senator McNAMARA. All the officers are automatically delegates?

Mr. HICKEY. No; the executive officers, the executive board of each local union, which is 7 in number, are seated in the council, and have a right to participate in the discussion and vote. We have 6 business agents in 807. They are members of the council, but they have no right to vote. They can enter the discussion, but they can't vote.

Senator McNAMARA. You are a full delegate and these others are sort of partial delegates and have a right to be there without the right to vote?

Mr. HICKEY. That is correct.

Senator McNAMARA. And their presence is there because they work together or cooperate with each other in the overall job?

Mr. HICKEY. That is about it.

Senator McNAMARA. Do you get a salary as vice president of the teamsters, or just expenses?

Mr. HICKEY. I get no salary or expenses as vice president of the teamsters.

Senator McNAMARA. Of the international?

Mr. HICKEY. No, sir.

Senator McNAMARA. This is more or less of an honorary job, too?

Mr. HICKEY. That is correct.

Senator McNAMARA. But you are a vice president. Are all international organizers vice presidents?

Mr. HICKEY. No, sir. Only two.

Senator McNAMARA. Then you are, incidentally, a vice president, and your main job, the paid job, is general organizer?

Mr. HICKEY. General organizer.

Senator McNAMARA. How many general organizers do you have in New York City?

Mr. HICKEY. In New York City? One.

Senator McNAMARA. Just one. Then all of the teamster activities come under your jurisdiction?

Mr. HICKEY. They come under my surveillance, at least.

Senator McNAMARA. And you, actually, are the representative of the president of the teamsters union, whoever he is, Dave Beck being the president now?

Mr. HICKEY. In New York City; that is right.

Senator McNAMARA. What you do, you do through your authority that is vested in you from the president?

Mr. HICKEY. And I am accountable to him.

Senator McNAMARA. To him. Then, in every respect, you represent him in the area?

Mr. HICKEY. That is true.

Senator McNAMARA. And your acts are his acts?

Mr. HICKEY. That is so.

Senator McNAMARA. Despite all of this, you did not know about the so-called improper locals? I understand the papermakers do not want us to call them paper locals. Let us call them the locals in question here.

Mr. HICKEY. I never discussed that with Mr. Beck at all.

Senator McNAMARA. But you are his agent?

Mr. HICKEY. I was.

Senator McNAMARA. And what you did, he did in that area through you; is that true?

Mr. HICKEY. Generally, yes.

Senator McNAMARA. This is a surprising thing. You would think that when he took these acts, which indicated lack of confidence in you, he would have reproved you.

Mr. HICKEY. He could have, if he wanted to.

Senator McNAMARA. He had the authority. All he had to say was, "you are no longer my representative. You are out."

Mr. HICKEY. That is right.

Senator McNAMARA. How come he deals around you instead of taking you out?

Mr. HICKEY. My relationship with Mr. Beck at all times has been very friendly. While we disagreed on this or that, it never got to the point where we had a real falling out. I found him to be always decent. I never had any problem with Beck. If I took the position, whether he supported me or not, he never called me to task for doing what I done.

Senator McNAMARA. How do you account for him dealing around you in the issuance of the charter?

Mr. HICKEY. That, I don't understand. That is one of the unfathomed mysteries.

Senator McNAMARA. But you protested to him?

Mr. HICKEY. Sure, I did.

Senator McNAMARA. I agree with you. I cannot understand. He has a man in here representing him. Everything he does, this man does, in his name, and then he deals around you and goes to whom? Whom did he give the charters to? Some individual?

Mr. HICKEY. He gave the charters to the people who applied for them.

Senator McNAMARA. They applied through you?

Mr. HICKEY. No. They applied through the international union, and the charters were issued in the names of the people who applied for the charters.

Senator McNAMARA. You were not consulted at all?

Mr. HICKEY. At no time.

Senator McNAMARA. Were there other charters issued in this same manner, besides this group?

Mr. HICKEY. Not in my time. Not since I have been general organizer.

Senator McNAMARA. On this chart over here, the yellowish squares indicate locals of the United Automobile Workers, AFL, as I understand it, local 102 was being discussed here this afternoon as one of Dio's locals, as were some of the others. Am I correct in understanding that these locals all wound up more or less in 649?

Mr. HICKEY. I don't know what happened to any of the local unions, but I am responsible for chartering one local union there, 239.

Senator McNAMARA. Which one?

Mr. HICKEY. 239. It is a teamster local.

Senator McNAMARA. 239? I don't see that.

Mr. KENNEDY. It is not on the chart.

Mr. HICKEY. It is over on this other chart.

Senator McNAMARA. I never saw that one before. That is indicated as a puppet union. You claim you are responsible for that?

Mr. HICKEY. That is one of the legitimate teamsters unions at the present time.

Senator McNAMARA. Do you know what puppet means at this time?

Mr. HICKEY. Well, satellite or whatever you want to call them.

Senator McNAMARA. Would this mean that they are in trusteeship?

Mr. HICKEY. No. 239 was never in trusteeship. 239—Goldstein came to me about 21½ years ago and applied to me for a charter. I discussed the matter with him at length. I said to him, "Do you belong to the UAW now?" He said, "Yes, but I don't cooperate actively with the UAW. I want to get out of there."

I sensed a feeling that he felt that UAW was crumbling and he wanted to get a home. So I checked with some more people who I knew knew him, or knew of his activities, and they recommended him to me.

I wrote out one of those applications, sent one to the international and one to the council, and had to fight Mr. Lacey to get him seated in the council.

The only reason I got involved with 239 was the fact that we have a local union in the teamsters that has been in there for years, and they have the same jurisdiction that 239 has. They weren't doing anything about organizing these mechanics and service stations. I wanted to give this fellow a little competition, and that was the reason we selected local 239.

We had to fight him through the council and it finally was adopted.

Senator McNAMARA. You were setting up a dual local to a local in your teamster union to a degree for the purpose of creating competition and, therefore, organizing the field, is that your testimony?

Mr. HICKEY. That is correct. That is the reason how he got into the teamsters.

Senator McNAMARA. Getting back to 649, there is an indication there on the chart that these locals were largely gathered up, as I recall the testimony, into 649, and then transferred into 651 of the teamsters. Is that right?

Mr. HICKEY. I know nothing about the inner workings of the UAW.

Senator McNAMARA. Then do you know about a group of people being taken in as indicated by that red mark going from 649 to 651?

I might ask the counsel: Does that indicate that they went to that local union?

Mr. KENNEDY. Well, Senator McNamara, that was one of the locals that came out of local 649. I don't believe Mr. Hickey would have any firsthand information on that.

Senator McNAMARA. I am concerned about how this group got into the teamsters, 651 and if that was done through Mr. Hickey's—

Mr. KENNEDY. No, Senator, these are all of the so-called phony locals on the right, and they are the ones that Mr. Hickey said he knew nothing about. They are the ones that were chartered through the international. You can see down there in the International Brotherhood of Teamsters they came around Mr. Hickey and around the New York Joint Council. Those are the votes that were expected to be cast in favor of Mr. O'Rourke against Mr. Lacey.

Mr. Hickey was the general organizer at the time and was never informed of these charters.

Senator McNAMARA. I understand, but this 649 on the chart that you and your staff compiled over here, what does that 649 indicate to us? That it was a gathering point for some of these other charters when they finally got together?

Mr. KENNEDY. No. When the UAW began in New York, it began with local 102. Subsequently, Johnny Dio took over the control of local 102. Then at the time that they were going to organize the taxicabs, local 102 had a charter of just organizing the taxicab drivers, and that is the third charter of local 102, March 22, 1952. At the same time, they wanted a local of the UAW-AFL operating in New York which could organize others than the taxicab drivers.

That was the formation of local 649 which was also organized on the same day.

Local 649 was one of the first locals organized by Johnny Dio.

From that headquarters, Mr. Dio operated, and the rest of the locals were set up subsequently, in 1952, 1953, and, I believe—no, 1952 and 1953. But local 649 was his main place of operation. He was the regional director. He operated out of the headquarters of local 649.

When the paper locals, or the phony locals, of the teamsters were organized in 1955, the headquarters for the organization of those unions was the headquarters of local 649.

The chief officials of 649 came down into the teamster paper locals. The stationery that was ordered for these phony locals was sent to 649. The letters that were written to the joint council and to the international headquarters were written out of 649. That is the importance of 649.

But Mr. Hickey would know nothing about local 649, or would have no first-hand knowledge of 649, because that was UAW-AFL rather than teamsters.

Senator McNAMARA. That is why I directed the question to you, sir. I understood that.

Now, what do these red lines mean in series from 649 to 651?

Mr. KENNEDY. Well, 651 was even a more peculiar local than any of the others. 651 had the other four locals, 258, 269, 284, and 362, had charter members who had come out of Johnny Dio's locals in New York. They had as their officials the officials of Johnny Dio's locals in New York. 651 did not. 651 had as its official a man who worked in a liquor store, Nat Gordon. Mr. Nat Gordon is Mr. Abe Gordon's brother. Mr. Abe Gordon is an official of 805, president of 805, and a very close associate of Johnny Dio.

Local 651 was operated directly out of 649, and its operations are handled even more directly out of 649 than the other four phony locals that came out of the UAW-AFL.

Senator McNAMARA. Now that brings us up to the point that I was trying to get at.

Do you know of the existence of local 651?

Mr. HICKEY. I have heard of it; yes, sir.

Senator McNAMARA. You as the general organizer representing Dave Beck at this point have charge of local 651 to the extent that you have charge of local unions generally, do you not?

Mr. HICKEY. The local union comes under the jurisdiction of joint council, principally, as being a member of the joint council, if it is a member.

Senator McNAMARA. I have been told up to now that this was not a member. Only 295 became a member.

Mr. HICKEY. I have never had any connection with 651 whatsoever.

Senator McNAMARA. Then you don't have complete charge of all the teamsters in New York City?

Mr. HICKEY. Not concerning these local unions on the board there with the exception of 239.

Senator McNAMARA. Do you have something to do with 295?

Mr. HICKEY. 295 has been one of the local unions that has been cleared. That has been seated recently in the joint council.

Senator McNAMARA. Do you consider that you have something to do with that one?

Mr. HICKEY. As long as it is a member of the teamsters union, I have an interest in the local union. That is correct. I have an interest in 651 or whatever local union becomes a member of the teamsters joint council.

Senator McNAMARA. You don't work for the joint council?

Mr. HICKEY. No, sir.

Senator McNAMARA. You work for the international?

Mr. HICKEY. Yes, sir.

Senator McNAMARA. Then I don't understand how you get in this category of not having anything to do with them unless they become members of joint council 16.

You are paid by the international. Therefore, you should be concerned with all of the local unions.

Mr. HICKEY. I am directly concerned.

Senator McNAMARA. And joint council 16 notwithstanding. I don't understand this. You answer my questions in part as if you were representing joint council 16 and you are not.

Mr. HICKEY. I am not. O'Rourke represents them.

Senator McNAMARA. Well, regardless of who represents them; you don't.

Mr. HICKEY. I don't.

Senator McNAMARA. I don't see how you make a distinction between local 295, a member of the joint council, and local 651 that is not a member of the joint council. They are both teamster locals and I don't see how you make any distinction. I can understand how the joint-council people make a distinction. How do you explain that?

Mr. KENNEDY. 651 does not exist anymore, Senator; 651 was the local that went out completely. Of all the locals that were chartered, 651 does not exist. It disappeared in February 1956.

Senator McNAMARA. But up to now this has been the connection, this has been the tie-in between the paper locals and the automobile workers and the teamsters locals.

Mr. KENNEDY. 651 had a peculiar history of just never really getting started and never getting into operation. 651 received its charter, it existed for a couple of months, and then it disappeared. 651's charter is no longer in existence. The rest of the charters are in existence, if you want to ask any questions about any of the others who are not affiliated with the joint council, there is a problem there. But as far as 651 is concerned, 651 just does not exist any more.

Senator McNAMARA. You heard the witness say to me a minute ago that he knew of 651.

Mr. KENNEDY. He might have known of 651 as one of the phony paper locals.

Mr. HICKEY. I might explain that in this way: Any one of the 60 local unions that we have in New York, if they have anything that is bothering them, they can come in and see me on it.

Senator McNAMARA. You are not only a general organizer but international vice president as well?

Mr. HICKEY. That is correct. Many of them come in and consult me and ask what they should do or what I would do under the same circumstances. If I can help them, I give them advice or contact the international union. And then if the matter is between another local union, it goes into the joint council and becomes a matter of the joint council.

Senator McNAMARA. Do you know what became of the charter of local 651 of the teamsters?

Mr. HICKEY. I don't think it ever went into operation, from what I hear.

Senator McNAMARA. Is it still bouncing in New York somewhere? Is that your responsibility?

Mr. HICKEY. No; it is not.

Senator McNAMARA. You are international representative.

Mr. HICKEY. I have never been officially informed that local 651 even was born.

Senator McNAMARA. But an international representative of the teamsters union operating in New York City has no concern about a charter that has been in there and apparently is running around or bouncing around?

Mr. HICKEY. I have an interest in the charter, but I have no way of finding out what became of it. It might have been returned to the international union. I have never inquired.

Senator McNAMARA. You are not concerned?

Mr. HICKEY. I am concerned.

Senator McNAMARA. Not concerned enough to inquire?

Mr. HICKEY. Up to now; yes.

Senator McNAMARA. You are not concerned enough to inquire?

Mr. HICKEY. That is correct.

Senator McNAMARA. I give up.

Senator IVES. Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. I would like to ask a couple of questions, if he desires to answer them in the line of some of the questioning of Senator McNamara. I am curious to know whether he is opposed to—in the first place, before I get to that, I would like to point out something which I think is generally known or recognized by people, and that is that Mr. Hoffa contemplates being a candidate for president of the teamsters international. In that connection, I am curious to know whether Mr. Hickey is opposed to his candidacy for president.

Mr. HICKEY. That is quite a question.

Senator IVES. I thought it was. If you don't want to answer it, you don't need to.

Mr. HICKEY. I am also a candidate for the presidency.

Senator IVES. That is exactly what I was going to ask you, if you were.

Mr. HICKEY. I am.

Senator IVES. You are opposed, then, to Mr. Hoffa?

Mr. HICKEY. Naturally I would be opposed.

Senator IVES. Thank you very much. We are glad to know that you are a candidate, too.

The CHAIRMAN. Senator Mundt?

Senator MUNDT. You said, Mr. Hickey, that you had been aware of the charter for 239, Sam Goldstein?

Mr. HICKEY. That is correct.

Senator MUNDT. Evidence before this committee indicates that later in his career, Mr. Sam Goldstein joined up with your opposition, or at least he joined up with O'Rourke in opposition to Mr. Lacey. You and Mr. Lacey were friends, as I understood, and represented a

similar point of view, while Mr. O'Rourke represented a different point of view.

Did you get any light as to why this man that you had befriended to the extent of helping him get started subsequently gave you the old double ax?

Mr. HICKEY. I imagine that was preconceived before he came in to see me. He just wanted to get a charter in the teamsters and he used me as the only way he could get it. I agree I have been used in that fashion.

Senator MUNDT. It is entirely possible. You can't read a man's mind. But maybe when he came in he had this motive to begin with. I didn't know whether that was it or whether something that happened after he got his charter created a difference between the two of you that caused his opposition.

Mr. HICKEY. Nothing happened that I know of.

Senator MUNDT. Looking back now, you think maybe he hood-winked you right from the very start?

Mr. HICKEY. I guess that is about the best way of putting it, sir.

Mr. KENNEDY. I just want to ask you a few more questions.

Each local, Mr. Hickey, each local in the election for a presidency of a joint council would have seven votes; is that right?

Mr. HICKEY. That is correct.

Mr. KENNEDY. So your local with 11,000 members and local 651 who had no members would have 7 votes each, an equal number of votes at the election?

Mr. HICKEY. That is right.

Mr. KENNEDY. On your opposition to Hoffa and his opposition to you, did you look upon his entrance into the negotiation in 1954 as an attempt to move in on the New York scene as a major factor?

Mr. HICKEY. That was the beginning of his campaign to take over.

Mr. KENNEDY. So his opposition to you—first, you opposed him in his attempt to grant Johnny Dio a teamster charter, is that right, in 1953?

Mr. HICKEY. That is right.

Mr. KENNEDY. Then when he came in or attempted to take over the negotiations in 1954, the trucking negotiations that took place in 1954, that is when you were in opposition to him again?

Mr. HICKEY. That is correct.

Mr. KENNEDY. And you feel that that was an attempt by him to come in and take over in New York City?

Mr. HICKEY. There is no doubt about it.

Mr. KENNEDY. Wasn't there an attempt to also—let me go back. You have always been opposed to the ILA, as I understand it, the racketeering in the ILA?

Mr. HICKEY. I have been; yes.

Mr. KENNEDY. Wasn't there an attempt at one time, on his part, to make an alliance with the ILA?

Mr. HICKEY. There was.

Mr. KENNEDY. Wasn't there an attempt also on his part, and supported by others, to make a loan of some \$490,000 to the ILA?

Mr. HICKEY. There was.

Mr. KENNEDY. And that was opposed by you?

Mr. HICKEY. Yes.

Mr. KENNEDY. You opposed him on the Dio matter, opposed him when he tried to take over in New York City in 1954, and opposed him when he tried to make this alliance with the ILA?

Mr. HICKEY. That is correct.

Mr. KENNEDY. I have one other subject.

On the question of who picked these charters up or made the arrangements on the charters, you have said that you understand or you have learned that Mr. Hoffa was the one that suggested that these charters be issued. Do you know who actually was the one who picked up the charters or made the arrangements for the charters to be delivered?

Mr. HICKEY. I do not.

Mr. KENNEDY. Do you know Mr. John McNamara?

Mr. HICKEY. I do.

Mr. KENNEDY. He is a teamster official in New York?

Mr. HICKEY. He is president of local 808.

Mr. KENNEDY. Do you know of his close relationship with Mr. James Hoffa?

Mr. HICKEY. I don't know of it, but I suspect there is a close relationship there.

Mr. KENNEDY. You understand that they are close friends also?

Mr. HICKEY. Yes.

Mr. KENNEDY. Do you understand that he is also a very close friend of Mr. John O'Rourke?

Mr. HICKEY. He is.

Mr. KENNEDY. On the question of the friendship of Mr. Dio and Mr. Hoffa, without getting into descriptive words, your understanding of their friendship is based on not only what you have seen yourself but what other people have told you of their relationship, is it not?

Mr. HICKEY. That is correct.

Mr. KENNEDY. It is generally understood in New York in the labor circles that they have been friends, is that right?

Mr. HICKEY. That is right.

Mr. KENNEDY. Thank you very much.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. I didn't know until a few minutes ago that Mr. Hickey is a candidate for president of the teamsters international.

I want to ask you a couple of questions that may go into your campaign platform, as it were. I don't want to work an injustice by doing this, so if you don't want to answer any of these because of political reasons, don't answer them.

Mr. HICKEY. I am not that political. I am a very poor politician.

Senator MUNDT. I think you look like a man whose face is an affidavit, and that helps quite a bit in politics.

I would like to ask you, because I know the public is concerned in this election, though not because it has any particular preference between you, Mr. Hoffa, and Mr. Beck, if he decides to become a candidate again, or anybody else, but because it has an understandable concern about what is going to happen under the new president of the teamsters, one of the great and important unions of the country.

No. 1: I have heard that part of the campaign platform of Mr. Hoffa is to form an alliance, if successful, between the teamsters and the

longshoremen, and that in so doing he will have to bring into his organization one Harry Bridges, the west coast longshoreman.

Is that part of your platform, too? Do you intend hooking up with Harry Bridges if you get elected?

Mr. HICKEY. No such thought.

Senator MUNDT. No such thought. Thank you.

During the hearings, some members of the committee have concluded, at least I have concluded, that anything we can do to increase the democratic processes by which the man who pays the freight has control of the election of his officers, the determination of union policies, and the calling on or calling off of a strike would be to the good.

We believe that the American workingman, if he really can exercise freely his democratic choices, will clean up most of the things that have been of concern to this committee.

Would you feel that if you were international president, that is something you would want to encourage or discourage—the expansion of the democratic rights of individual teamsters?

Mr. HICKEY. I am a hundred percent in favor of the statement you have made. In our local union we have elections every 3 years. We don't conduct them ourselves. We have the Honest Ballot Association come in and take full charge of those elections from start to finish. We have just completed a referendum vote, a mail referendum, where we tried to get all our members to vote.

The unfortunate part about it is you never get more than 50 percent of them to vote. They just simply don't want to come out. So we tried a referendum vote. All he had to do was mark an X on it. We got less returns on that than we did—well, we have always used the machines. We have used machines in our local since 1936.

Senator MUNDT. We can't expect you fellows in the union movement to do what Adlai Stevenson and Ike Eisenhower tried to do, and that was to get everybody to vote. All you can do is give them a chance. You give them a chance to vote in secret?

Mr. HICKEY. Yes, sir.

Senator MUNDT. And you believe in that?

Mr. HICKEY. I honestly believe in it.

Senator MUNDT. It follows that if, as, and when the membership discovers there is something pretty bad in their union membership, then they will take care of it?

Mr. HICKEY. They will take care of it. They will vote us out.

Senator MUNDT. The third thing that concerns us is that we have found that, in the handling of some of the union funds, there is not a very good public accounting, either to the general public or to management, or, especially, to the labor-union members who create that fund. I have felt that something should be done either by the unions or by Congress to provide for a complete safeguarding of moneys collected from the union members, because it becomes part of the tax, you might say, a compulsory payment. If they make an agreement to belong to a union, they have to pay the freight all the way through.

Would you agree with me that the union members and their families are entitled to a public accounting of what is done with their money?

Mr. HICKEY. I am 100 percent in favor of that.

Senator MUNDT. This is another one. I recognize that Doria, who came before us, a loquacious witness, made a great and impassioned plea for having labor work as sort of reform schools to give convicts and ex-criminals second chances. There is some appeal in that.

However, it seems to me that the primary appeal for a union has to be for the union membership and not for some fellow who wants to rehabilitate himself. The fellow who wants to rehabilitate himself should start a little further down the scale and prove the sincerity of his reformation before you place him in charge of a great many members of the union, where, if he continues to be crooked, he works a great disadvantage on them.

Do you have any ideas in that area?

Mr. HICKEY. Well, when we take people into our organization—and I mean the teamsters generally—we only take the people who are hired originally by the employer. If you employed 10 men, we will take those 10 men. We don't ask them nothing, except that they are supposed to be of good moral character. If they fill out our application and comply with the requirements of the job and can do it, they are eligible for membership. After they have been in the local union for 2 years, and continue in good standing, they are eligible to run for office, and that right is protected.

Senator MUNDT. You have a provision that before they can become officials, they have to be in the union for at least 2 years?

Mr. HICKEY. That is right. In unions of the type that are older unions. In newer unions, of course, the time is less.

Senator MUNDT. The difficulty of the instant case seems to arise from the fact that these characters become officials at the very time they are given the charter. They get a new charter and put themselves in it. How do we safeguard against that?

Mr. HICKEY. Well, if I take over a local union or set up a local union, a brandnew one, I appoint the officers. Like in the cab-drivers union, I appoint the officers. I can remove them. We have removed some of them for their failure to comply with their job. But they must run for office at the end of the trusteeship, which might be a matter of 1 year, 2 years, or 3 years, regardless of how long the trustee stays there. Then I call for an election. Anyone who wants to get nominated against the present officers can get nominated. We hold the election, and then they become the officials of that local union. That is standard.

Senator MUNDT. Thank you very much. I think you have a very constructive program.

Mr. HICKEY. Thank you.

Senator IVES. Some of this you would not want to have put into law; would you? You would not want to have these provisions put into law, would you, that you are talking about?

Mr. HICKEY. What provisions is that, Senator?

Senator IVES. About the period of time that they have to belong to a union before they could hold office or anything of that kind?

Mr. HICKEY. No; I wouldn't want that. We have our own international rules, and if they are lived up to they are quite all right.

Senator IVES. I did not think you would want to. I would not want to have it myself, and I did not think you people would, either.

Mr. HICKEY. No, I don't think we would.

Senator McNAMARA. You talk about requirements for membership eligibility in your union. Do you require that they are citizens of the United States or have indicated their desire?

Mr. HICKEY. That is correct.

Senator McNAMARA. That is pretty general in unions; is it not?

Mr. HICKEY. That is right.

Senator McNAMARA. May I ask one thing, in this connection: What do you think about having put into the law a provision that no one with a criminal record will be permitted to hold office in a labor organization?

Mr. HICKEY. Well, that is quite a problem to answer; a question like that.

Senator McNAMARA. You must have thought about it, Mr. Hickey. You are long at this game. You have been at it a great many years.

Mr. HICKEY. I have. We, in our business, we pick up people who have served time in prison, and reformatory schools, and so forth. We don't ask them the question. As long as he conducts himself as a decent American citizen, so far as we are concerned, and brings the union into no ill repute, we will accept him and we will defend him to whatever degree is possible, as long as he don't bring his nefarious ideas into the activities of the local union.

Senator McNAMARA. What has been your experience with people of that character who have been elected to office in your local union.

Mr. HICKEY. They have not gotten into our local union.

Senator McNAMARA. Then, even though you have been open on that subject, you have not been electing people of that character to your offices; is that right?

Mr. HICKEY. Never; in our local union.

Senator McNAMARA. I do not mean about your own local. I mean generally speaking in your international setup.

Mr. HICKEY. Well, the international setup provides that if you represent a local union and you are a member of it, under the constitution, for 2 years, you have right to run for office. If you are elected, they accept you.

Senator McNAMARA. Do you know of anybody in the whole setup of the teamsters, anywhere along the line, with any local teamsters, outside of these phony locals we are talking about; do you know of anybody that has a criminal record who is holding an official position in any of those locals at the present time?

Mr. HICKEY. That happens from time to time.

Senator McNAMARA. You have heard of that?

Mr. HICKEY. Yes.

Senator McNAMARA. How has it worked out? That is what I am trying to find out.

Mr. HICKEY. On the whole, it has worked out very well.

Senator McNAMARA. We have uncovered several instances where in these phonies it has not worked out at all.

Mr. HICKEY. Well, if a fellow wants to work for his local union, his time is all taken up. He ain't got no time for any phony business, and his time is taken up representing the people who pay him a salary. If he gets involved in that, he hasn't got time to get involved in any illegal activities.

Senator McNAMARA. Of course, these people who are in the phonies are in there for illegal activities. That is their purpose in being there.

Mr. HICKEY. It is pretty hard to guard against that by legislation.

Senator McNAMARA. By law you cannot do it; do you think?

Mr. HICKEY. You cannot legislate a man to be honest, by law.

Senator McNAMARA. No; you cannot legislate honesty; we know that.

Mr. HICKEY. You can't keep him honest, either.

Senator McNAMARA. No. We have discovered that here very recently.

Thank you.

The CHAIRMAN. Mr. Kennedy?

Mr. KENNEDY. Mr. Hickey, you said that 295 has been taken into the joint council. Mr. McNamara is secretary-treasurer of that?

Mr. HICKEY. That is correct.

Mr. KENNEDY. He is presently under indictment with Johnny Dio in connection with his activities with local 295 for extortion?

Mr. HICKEY. So I understand.

Mr. KENNEDY. How was that local able to get a charter? Not able to get a charter; but why was it accepted in the joint council?

Mr. HICKEY. Mr. O'Rourke, who is the president of the joint council at the present time, appointed a committee to investigate local 295. He was one of the members of the committee; he and another man. They investigated local 295, and reported back to the joint council—they recommended that 295 be seated. On that basis, 295 was seated in the council. It is the only one of that group of local unions.

Mr. KENNEDY. Who was the other man?

Mr. HICKEY. A fellow by the name of Corrigan.

Mr. KENNEDY. Mr. O'Rourke was very close to Mr. McNamara; is he not?

Mr. HICKEY. They have been, so far as I know.

Mr. KENNEDY. Is Mr. Corrigan secretary-treasurer of local 808?

Mr. HICKEY. He is either president or secretary-treasurer of local 808.

Mr. KENNEDY. So, of the two people appointed to the committee, one was Mr. O'Rourke, very close to Mr. McNamara, and the other was the secretary-treasurer or president of Mr. McNamara's local.

Mr. HICKEY. That is the way it worked out.

Mr. KENNEDY. Who appointed the committee?

Mr. HICKEY. Mr. O'Rourke.

Mr. KENNEDY. He appointed himself?

Mr. HICKEY. Well, he is the president of the council. He must have. He appoints all committees.

The CHAIRMAN. Senator McNamara?

Senator McNAMARA. What is the jurisdiction of local 295? What is the nature of the industry?

Mr. HICKEY. According to their charter, they are connected with the airfreight industry.

Senator McNAMARA. Truckdrivers generally?

Mr. HICKEY. Truckdrivers, helpers, and warehousemen.

Senator McNAMARA. Did you take in the local that was established in this group that services refrigeration equipment? Is that part of the teamsters' union now?

There was a local that was brought out here a few days ago in testimony that was composed of servicemen in the refrigerator-air-conditioning industry.

Mr. HICKEY. There is no local union as such that I know of.

Senator McNAMARA. That must have been the other group, then, in the so-called United Automobile Workers.

Mr. HICKEY. That could be.

Senator McNAMARA. But you do not take in that type of people?

Mr. HICKEY. We take in the people who service oil burners and like that. I imagine we take those in, too, and vending machines. We have a mechanical local of that type.

Senator McNAMARA. There are other internationals who are operating in that same field?

Mr. HICKEY. There are 3 or 4 others that do the same sort of work.

Senator McNAMARA. And plumbers, steamfitters, electrical workers, and so forth?

Mr. HICKEY. That is correct.

Senator McNAMARA. So there is conflict between the international unions, actually?

Mr. HICKEY. There is disagreement there as to who has the right to do it.

Senator McNAMARA. It has never been ironed out by the AFL officials?

Mr. HICKEY. No; it has not.

Senator McNAMARA. I suppose it will have to be done one of these days.

Mr. HICKEY. I believe it will.

The CHAIRMAN. I would like to ask you just one question. I did not know until you advised us a while ago that you were a candidate for the presidency of the Teamsters International Union.

I can have no personal interest in who is elected or not elected, but I do think, in view of testimony that has been developed here in the course of these hearings, that the public would have a general notion, and that the union members and their families would certainly have an interest.

I simply want to ask you this: If you should be elected, would you use all power and authority vested in you under international constitutional provisions to clean out this organization and get these racketeers and that element out of it?

Mr. HICKEY. I would dedicate myself to that ambition.

The CHAIRMAN. Would you retain in the union as head of locals, or any other official positions, people who would come before a committee of this kind and take the fifth amendment with respect to their trusteeship in that organization?

Mr. HICKEY. Under the teamsters' constitution you cannot throw anybody out unless you can prefer charges. Charges must be preferred at the lower level, at the local union level.

The CHAIRMAN. I understand, but you do have an ethical practices standard set up now by the AFL-CIO; have you not?

Mr. HICKEY. Yes, sir.

The CHAIRMAN. The teamsters have not as yet subscribed to that, as I understand it.

Mr. HICKEY. We have appeared before the ethical practices committee.

The CHAIRMAN. But have you subscribed to or have you adopted the same ethical practices standards?

Mr. HICKEY. No; not as a requirement of the constitution.

The CHAIRMAN. I believe, as I recall, they set forth that they would regard it as an unethical practice for a union official to take the fifth amendment on his conduct and handling of union affairs, that they would so regard it. Would you?

Mr. HICKEY. As a member of the executive board, in Miami last February, we voted that anybody coming before any committee had the right to take the fifth amendment if he saw fit, and there would be no punishment attached to that particular position taken by any member, whether he be an executive board member or a general organizer, whatever he might be in the teamsters union.

The CHAIRMAN. Then, presently, the teamsters international is in conflict with, and has not subscribed to, the ethical standards in that respect set by the AFL-CIO?

Mr. HICKEY. That's correct.

The CHAIRMAN. Well, I do not know what others think, but I think a man who holds a responsible position in a labor organization, who is president of a local or president of a joint council or executive secretary or whatever the official positions are, who handles money, who handles the dues of the men and women who work and pay them, and who will refuse to give an accounting and who takes a fifth amendment position when interrogated about his use of those funds, in my judgment is not worthy to be a union official and does bring discredit upon his organization.

I hope you subscribe to the same view.

Mr. HICKEY. I do.

The CHAIRMAN. Thank you. Are there any other questions?

I want to thank you very sincerely, Mr. Hickey, for your testimony. It is certainly refreshing to us, after these days of labor hearings, that two men high in the teamsters union will come before this committee and be helpful as you have been.

Thank you.

Mr. HICKEY. Thank you very much.

(Members of the select committee present at this point: Senators McClellan, Ives, McNamara, and Mundt.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. John McNamara.

The CHAIRMAN. Mr. McNamara, do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McNAMARA. I do.

TESTIMONY OF JOHN McNAMARA, ACCOMPANIED BY COUNSEL, EDWARD S. JOSEPH

The CHAIRMAN. Be seated.

State your name, your place of residence, and your business or occupation.

Mr. McNAMARA. My name is John McNamara. I reside at 123 Page Avenue, Yonkers, N. Y.

The CHAIRMAN. Did you say what your occupation was?

Mr. McNAMARA. No, sir; I did not.

I decline to answer that question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Well, I thought maybe we had gotten through the list of those who were going to take that position, but I guess we have at least one more.

Mr. Counsel, you may state your name for the record.

Mr. JOSEPH. My name is Edward S. Joseph. I am admitted to practice before the bar of the State of New York. My address is 17 East 63d Street, New York City.

The CHAIRMAN. Mr. McNamara, what position do you hold with organized labor?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. How long have you been identified with organized labor?

Mr. McNAMARA. The same answer on the same ground, sir.

The CHAIRMAN. That will not be accepted. You will state your answer fully each time.

Mr. McNAMARA. I decline to answer the question on the grounds that my answer may tend to incriminate me.

The CHAIRMAN. What is there about organized labor, in your opinion, that might tend to incriminate you if you admitted that you had an association and contact with it?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Are you now an official in any labor union?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Have you been stealing from a labor union?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Have you any regard for the working people in the union who pay their dues?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Do you have any concern whatever for their welfare?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Proceed, Mr. Counsel.

Mr. KENNEDY. Mr. Chairman, Mr. McNamara is an extremely important witness for the knowledge that he has about the matter that we are investigating.

According to our information, he is a very close associate of Mr. Johnny Dio. He also is a very close associate of Mr. James Hoffa.

Is that correct?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. Mr. McNamara, according to the information we have, is presently president of local 808 of the teamsters in New York City.

Is that correct?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Let me ask you a question. Do you honestly believe that if you answered that question truthfully, that a truthful answer might tend to incriminate you?

Mr. McNAMARA. Yes, sir; it might.

Mr. KENNEDY. Mr. McNamara is also, according to our records, secretary-treasurer of local 295 of the teamsters, one of the phony locals.

Is that correct, Mr. McNamara?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. Mr. McNamara, at the present time, is under indictment for conspiracy and extortion, along with Johnny Dio, for conspiring to obtain \$11,500 from an employer in New York City in connection with his activities in local 295.

Is that correct, Mr. McNamara?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. Mr. McNamara's position as secretary-treasurer of local 295 would be important, Mr. Chairman. But it goes far beyond that. We consider him one of the key figures in this investigation.

It was Mr. McNamara, according to the information we have, that came down here to Washington and picked up the charters of the so-called phony locals.

Is that correct, Mr. McNamara?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

Mr. KENNEDY. It was Mr. McNamara, Mr. Chairman, after Mr. Hoffa had requested that these charters be issued, who made the trip down from New York to Washington, D. C., and brought a list of names that should be put on the applications for these phony charters.

The CHAIRMAN. The Chair hands you a typewritten list of names on seven different sheets of paper, listing charter members of local 295, local 355, local 228, local—I am reading the wrong numbers.

Local 295, local 362, local 651, local 269, local 258, and local 284.

Present those to the witness.

The Chair directs you to examine those documents and see if you identify them. I believe each one of them bears the signature or initial RLG.

(Documents handed to witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. Have you examined those documents?

Mr. McNAMARA. Yes, sir.

The CHAIRMAN. What are they?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. The documents will be made exhibit 143-A, B, C, D, and so forth.

(The documents referred to were marked "Exhibits 143-A to G, inclusive, for reference and will be found in the appendix on pp. 4911-4917.)

The CHAIRMAN. Do you think your handling of those documents may have tainted them when you first brought them down to the international?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Or do you think they have been tainted since you handled them?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Proceed, Mr. Counsel.

Mr. KENNEDY. Mr. Chairman, as you pointed out, the initials on here are RLG, which we understand stand for Robert Graham, who works out of the international headquarters.

The CHAIRMAN. Let us ask the witness if that is correct.

Do you know RLG?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Who is R. L. Graham?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Do you know R. L. Graham?

Mr. GRAHAM. I decline to answer the question on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Do you know Johnny Dio?

Mr. GRAHAM. I decline to answer the question on the grounds—

The CHAIRMAN. Do you know Dave Beck?

Mr. GRAHAM. I decline to answer the question on the grounds—

The CHAIRMAN. Do you know Jimmy Hoffa?

Mr. GRAHAM. I decline to answer the question on the grounds—

The CHAIRMAN. Do you know your lawyer sitting by you?

Mr. GRAHAM. I—I do.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Chairman, it was originally intended, and it so appears on these sheets, that the local numbers that would be used for these teamsters' phony locals would be the same numbers as had existed for the UAW-AFL organizations, that there would be a local 227 of the UAW-AFL, and there would be a local 227 of the teamsters, and that they would be transferred over in that manner. So when Mr. McNamara originally arrived here in Washington, he had a suggested local number. For instance, the suggested local number for 355 would correspond to 355 of the UAW-AFL.

But when they searched the teamster records they found that 355 was already being used, so they gave it the next closest number and that is how 355 became 362; 228, originally of the UAW-AFL, then became 275 of the teamsters. 649 of the UAW-AFL became 851 of the teamsters. 224 of the UAW-AFL became 269 of the teamsters. 250 of the UAW-AFL became 259 of the teamsters. 227 of the UAW-AFL became 284 of the teamsters. 295, of course, became a new local.

Is that correct as to what happened down here, Mr. McNamara?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

Mr. KENNEDY. Mr. McNamara, as I said, supplied all the names of those who appeared on the charter applications which I hand you now, Mr. Chairman.

Mr. CHAIRMAN. May I ask counsel if the names on these charter applications correspond with the list that this witness, I understand, presented to the international?

Mr. KENNEDY. Yes; they correspond.

Mr. Chairman, Mr. McNamara became secretary-treasurer of local 295 and subsequently wrote a letter to joint council 16 requesting they be seated, 7 officers of local 295, so they could vote in the election.

The CHAIRMAN. The Chair presents to you a photostatic copy of a document entitled "Local Union 295," dated November 30, 1955. It appears to bear the signature of a man named John McNamara.

Will you examine that document and see if you identify it?

(Document handed to witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. Have you examined that document?

Mr. McNAMARA. Yes, sir; I have.

The CHAIRMAN. Can you read the signature on it?

(The witness conferred with his counsel.)

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Do you know John McNamara?

(The witness conferred with his counsel.)

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. You said that is your name when you took the witness stand under oath. Since then, now you have become ashamed of your name? You admitted it when you took the witness stand under oath a while ago.

Is that your name?

Mr. McNAMARA. My name is John McNamara; yes, sir.

The CHAIRMAN. I asked you if you knew him.

You have just answered. I assume you answered under oath. You just answered, saying you could not answer the question because to answer it might tend to incriminate you.

(The witness conferred with his counsel.)

Mr. McNAMARA. I decline to answer the question on the grounds—

The CHAIRMAN. Which one? Which question?

(The witness conferred with his counsel.)

Mr. McNAMARA. On the question whether I could identify the signature on that letter.

The CHAIRMAN. You identify the name, though?

Mr. McNAMARA. Yes, sir.

The CHAIRMAN. That is your name?

Mr. McNAMARA. That is my name.

The CHAIRMAN. Now, then, will you be kind enough to tell us it is also your signature?

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. I see.

Proceed, Mr. Counsel.

Mr. KENNEDY. Mr. Chairman, on February 6, 1956, Mr. McNamara wrote a letter to the joint council.

The CHAIRMAN. Just a moment.

That document may be made exhibit 144.

(The document referred to was marked "Exhibit 144," for reference and will be found in the appendix on p. 4918.)

Mr. KENNEDY. That was a letter giving the names of the seven officials of local 295 that were eligible to vote.

Mr. Chairman, subsequently only 5 of those 7 voted. We have the five credentials that are contained there in letters dated February 6. All those letters of credentials were signed by Mr. John McNamara.

The CHAIRMAN. I hand you a series of 7 documents, photostatic copies, 6 of which documents bear your signature, John McNamara, as secretary-treasurer.

The top document which I am handing you, a photostatic copy of, is a letter to Martin T. Lacey, February 6, 1956, announcing the name of the officers of local 295.

The second in this sheaf of documents appears to be a photostatic copy of an envelope in which they were mailed to teamster joint council 16.

Then the others are statements certifying the names of John McNamara, James Costa, Michael Burton, Ernest Hogenbirk, and Timothy Ring as being eligible to vote in joint council elections.

I ask you to examine all of those documents, each one of them, and state if you identify them.

(Documents handed to witness.)

Mr. JOSEPH. Senator, are these marked exhibits now?

The CHAIRMAN. I beg your pardon?

Mr. JOSEPH. Are these exhibits marked already?

The CHAIRMAN. Not yet.

Mr. JOSEPH. I see.

(The witness conferred with his counsel.)

(At this point, Senator Mundt withdrew from the hearing room.)

Mr. KENNEDY. Can you identify those?

The CHAIRMAN. Have you examined those documents?

Mr. McNAMARA. Yes, sir.

The CHAIRMAN. Do you identify them?

Mr. McNAMARA. I decline to answer the question, sir, on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. They bear your signature; do they not?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Whose name is on them? Is it that same fellow, John McNamara, we have been talking about a little?

(The witness conferred with his counsel.)

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. You can read the name on it; can you not?

(The witness conferred with his counsel.)

Mr. McNAMARA. Yes, sir.

The CHAIRMAN. I got one "yes" answer.

Is there anything else you can read on them?

(The witness conferred with his counsel.)

Mr. McNAMARA. I decline to answer the question on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. You said you could read a name on it. Whose name do you read on it?

Mr. McNAMARA. A name of John McNamara.

The CHAIRMAN. And his signature? What are you reading, the signature or the printed name?

(The witness conferred with his counsel.)

(At this point, Senator McNamara withdrew from the hearing room.)

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

The CHAIRMAN. You decline to answer whether you are reading writing or reading printing? Is that what you mean to do?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Does it not make you blush a little when you look at that and remember the part you took in trying to perpetrate this fraud? Or do you blush?

Mr. McNAMARA. I decline to answer the question.

The CHAIRMAN. Are you not now ashamed of it?

Mr. McNAMARA. I decline to answer.

The CHAIRMAN. For what reason?

Mr. McNAMARA. On the grounds the answer may tend to incriminate me.

The CHAIRMAN. I see; all right.

Proceed.

Mr. KENNEDY. Mr. Chairman, we have also had the testimony that the letters appealing to the international for the setting of these various locals that were dictated by Mr. McNamara in the headquarters of local 649, exhibit 103 and exhibit 102, the letters being dated January 27, 1956, and Mr. McNamara requested the secretary at that time, Mildred Warchauer, to write the letters on two different typewriters.

Is that correct, Mr. McNamara?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

The CHAIRMAN. You would not imply that little lady would not tell us the truth; would you?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Does the truth incriminate you, do you think?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Those documents, the six documents, may be made exhibit 145-A, B, C, D, and so forth, the last ones presented to the witness.

(The documents referred to were marked "Exhibits 145-A to F, inclusive," for reference and will be found in the appendix on pp. 4919-4924.)

Mr. KENNEDY. So after Mr. Hoffa requested that these charters be granted, you went down and picked them up and brought them back up. It was you that supplied the names.

When there was an appeal made to the international that these locals be seated, you went to what were formerly the headquarters for Mr. Dio, and dictated the letters, for 269, 362, 275, 651, 258, and 284, and then another letter for your own local 295, and you requested the secretary to write these on different typewriters.

Could you tell us if you did all those things, Mr. McNamara?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

Mr. KENNEDY. During this period of time you were in touch not only with Mr. Jimmy Hoffa, but you were also in touch with Mr. Johnny Dio; is that correct?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Are you afraid of Johnny Dio?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

Mr. KENNEDY. Is it not correct and true that you are very close to Mr. Dio, socially and otherwise, and that you are also very close to Mr. Jimmy Hoffa, socially and otherwise?

Mr. McNAMARA. I decline to answer the question.

Mr. KENNEDY. On what grounds?

Mr. McNAMARA. On the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. Is it not true that Mr. Hoffa was in New York during this period of time, for instance, in November, and stayed at the Hampshire House? And is it not true that while he was there you were in touch with him, and he was in touch with you and with Mr. Johnny Dio? Is that not correct?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

Mr. KENNEDY. Did you discuss the chartering of these phony locals at that time with Mr. Hoffa?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

Mr. KENNEDY. You will not tell us anything about this, Mr. McNamara?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

Mr. KENNEDY. You could be of great assistance to the committee. You will not tell us anything at all about what you did in connection with this?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

Mr. KENNEDY. You knew when you got these charters that none of these locals had any members at all?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

Mr. KENNEDY. How long have you been in the teamsters union?

Mr. McNAMARA. I decline to answer the question on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Are you married?

Mr. McNAMARA. Yes, sir.

The CHAIRMAN. Have you any children?

Mr. McNAMARA. Yes, sir.

The CHAIRMAN. How many?

Mr. McNAMARA. Five.

The CHAIRMAN. Are you an American citizen?

Mr. McNAMARA. Yes, sir.

The CHAIRMAN. What kind?

Mr. McNAMARA. United States.

The CHAIRMAN. Proceed.

Mr. KENNEDY. We are not getting very far with this witness, Mr. Chairman. What he intends to tell us does not seem to add much to the committee's knowledge.

The CHAIRMAN. Are there any further questions?

Well, I hope the day will come when unionism will be rid of such people as you are.

Stand aside.

Call another witness.

Mr. KENNEDY. Captain Bradley and Mr. Gleason.

The CHAIRMAN. Will you stand and be sworn?

Do you and each of you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRADLEY. I do.

Mr. GLEASON. I do.

**TESTIMONY OF WILLIAM V. BRADLEY AND THOMAS GLEASON,
ACCOMPANIED BY COUNSEL, THOMAS W. GLEASON; WILLIAM B.
MISCHO; AND SEYMOUR WALDMAN**

The CHAIRMAN. Beginning on my left, will you give your name, your place of residence, and occupation?

Mr. GLEASON. Thomas Gleason, 29 Charles Street, New York City, general organizer for the International Longshoremen's Association, Independent.

The CHAIRMAN. Thank you.

Will you give your name, please?

Mr. BRADLEY. William V. Bradley, president of the International Longshoremen's Association, Independent, 174 Pelton Avenue, West Brighton, Staten Island.

The CHAIRMAN. Thank you.

Gentlemen, do you have counsel with you?

Mr. BRADLEY. Yes.

Mr. GLEASON. Yes.

Mr. MISCHO. William B. Mischo, 265 West 14th Street, New York. I am cocounsel with Mr. Waldman for Captain Bradley.

Mr. WALDMAN. Seymour Waldman, 305 Broadway, New York.

The CHAIRMAN. You represent both witnesses?

Mr. WALDMAN. No. We both represent Captain Bradley.

Mr. THOMAS W. GLEASON. Thomas W. Gleason, 70 Pine Street, representing Mr. Gleason.

Mr. KENNEDY. Mr. Gleason, how long have you been an official of your association?

Mr. GLEASON. I have been an official since 1934.

Mr. KENNEDY. How long have you held your present position?

Mr. GLEASON. I have held my present position since December of 1953.

Mr. KENNEDY. Captain Bradley, how long?

Mr. BRADLEY. I have been the president of the local union since 1935. In 1951 I became vice president of the international. In 1953 I became president; in November of 1953.

Mr. KENNEDY. Was that after Mr. Ryan left the organization that you became president?

Mr. BRADLEY. Yes, sir.

Mr. KENNEDY. How many members does the ILA Independent have?

Mr. BRADLEY. Well, I would say about 65,000.

Mr. KENNEDY. And that operates on the eastern seaboard?

Mr. BRADLEY. That operates from Halifax, Nova Scotia, to Brownsville, Tex.

Mr. KENNEDY. In February of 1953 did you receive a letter from the executive council of the AFL instructing you or telling you that the ILA would have to clean itself up, get rid of some of the gangsters, and make its procedures more democratic? Is that right?

Mr. BRADLEY. In February of 1953, I believe there was a letter received by the president then; yes.

The CHAIRMAN. I present to you what purports to be a carbon copy of that letter, dated February 3, 1953, addressed to the officers and members of the International Longshoremen's Association. It does not appear to be signed, but it bears the title, "President and Secretary-Treasurer of the Executive Council, American Federation of Labor."

Will you examine this copy, Mr. Bradley, please, and see if you recognize it as such?

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. BRADLEY. Mr. Chairman, being as I wasn't president at that time, but I remember such a letter being read to the executive council of our organization.

The CHAIRMAN. You recall such a letter being read?

Mr. BRADLEY. I do; yes.

The CHAIRMAN. I think we got that from the files; did we not?

Mr. KENNEDY. Yes.

The CHAIRMAN. It came from the official files of your organization. Thank you.

That may be made exhibit 146.

(The document referred to was marked "Exhibit No. 146" for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. And that made reference to the fact that a study had been made of waterfront conditions by the crime commission and that the ILA would have to put its house in order; is that right?

Mr. BRADLEY. Well, we questioned it, but that was the theory of the letter; yes.

Mr. KENNEDY. Get rid of its alleged criminal elements and practice more democratic procedures?

Mr. BRADLEY. Yes, sir.

Mr. KENNEDY. On September 22, 1953, the charter for the ILA was revoked by the AFL, is that right, by a vote of 79,079 votes to 736 votes?

Mr. BRADLEY. I believe that is correct; yes.

Mr. WALDMAN. In view of the fact that counsel has brought up the letter of the AFL to the ILA, to complete the record may the answer of the ILA to the AFL to that letter also be made a part of the record?

The CHAIRMAN. Let us see it. I think it may well be.

Mr. KENNEDY. Did the AFL then grant you a new charter to the ILA organization?

Mr. BRADLEY. I believe they did; yes. On the IBL.

Mr. KENNEDY. IBL. And were there trustees appointed to that organization?

Mr. BRADLEY. I believe there were.

Mr. KENNEDY. Was Mr. Dave Beck one of the trustees?

Mr. BRADLEY. That organization; yes.

The CHAIRMAN. May I ask you, Mr. Bradley, did you examine this and do you identify it as a copy?

Mr. BRADLEY. I will identify on the say-so of the attorney. I was not president at that time. I would identify it on the attorney's say-so.

The CHAIRMAN. Thank you very much. It may be made exhibit No. 147.

(The document referred to was marked "Exhibit No. 147" for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. On September 25, 1953, a charter was issued to the IBL-AFL?

Mr. BRADLEY. Yes, sir.

Mr. KENNEDY. And at that time a committee of trustees were appointed, with George Meany as chairman, Dave Beck of the teamsters being one of the trustees, William Doherty of the letter carriers, Al Hayes of the machinists, and Paul Hall of the seafarers; is that right?

Mr. BRADLEY. That is right, sir.

Mr. KENNEDY. The aim of that organization was to combat your organization, the ILA?

Mr. BRADLEY. I believe it was; yes.

Mr. KENNEDY. Then, in December of that same year, was there a meeting held between you and certain officials of the teamsters union?

Mr. BRADLEY. There was; yes.

Mr. KENNEDY. That was a meeting held on October 21, 1953?

Mr. BRADLEY. Yes, sir.

Mr. KENNEDY. And attending that meeting was Captain Bradley, yourself, Packy Connolly—what was his position?

Mr. BRADLEY. Executive vice president.

Mr. KENNEDY. And Harold Gibbons of the teamsters?

Mr. BRADLEY. Yes, sir.

Mr. KENNEDY. And Sam Barron of the teamsters?

Mr. BRADLEY. Yes, sir.

Mr. KENNEDY. And Waldman?

Mr. BRADLEY. Mr. Louis Waldman and Mr. Seymour Waldman.

Mr. KENNEDY. Representing the ILA?

Mr. BRADLEY. Yes, sir; that is correct.

Mr. KENNEDY. This was within the time that the AFL had expelled the ILA and had formed a local of its own to handle this matter, called the IBL to combat the ILA?

Mr. BRADLEY. That is so.

Mr. KENNEDY. This meeting was held at the home of Mr. Waldman?

Mr. BRADLEY. Yes, sir.

Mr. KENNEDY. And another meeting was held on November 2, 1953?

Mr. BRADLEY. Yes, sir; that is correct.

Mr. KENNEDY. And the purpose of that meeting was to attempt to bring a closer relationship between the teamsters and the ILA?

Mr. BRADLEY. That is right; yes, sir.

Mr. KENNEDY. Was there a discussion at that time about forming a marine division of the teamsters which the ILA would come in and take over?

Mr. BRADLEY. I believe there was a discussion later on, but at that particular meeting it was explained to us that the purpose of the meeting was whether we would be interested in working with the teamsters on a plan that would get the ILA back into the American Federation of Labor.

Mr. KENNEDY. And at that time was it discussed that the way they would come back in would be they would come back in as a member of the teamsters union and handle the marine division of the teamsters?

Mr. BRADLEY. There were discussions, but whether it was at that meeting or not, I don't remember.

Mr. KENNEDY. Those discussions were held either then or subsequently?

Mr. BRADLEY. There were a lot of discussions held and that was one of the phases of discussions that were held.

Mr. KENNEDY. As I understand it, word of that meeting got out publicly, there was some mention of it in the press; is that right?

Mr. BRADLEY. That is right; yes.

Mr. KENNEDY. And Mr. Harold Gibbons informed you that it would be better not to meet any more?

Mr. BRADLEY. Well, I don't know whether he informed us, but we met in Mr. Waldman's home again and with Mr. Barron and Mr. Waldman, Louis Waldman and Seymour Waldman, myself, and Connolly, and we were informed at that meeting that the report was taken back to Mr. Beck and that we would hear further on this question after they consulted with Mr. Beck.

Mr. KENNEDY. You knew at this time that Mr. Beck had been one of those that had been appointed trustee of the IBL; is that right?

Mr. BRADLEY. Very much so; yes.

Mr. KENNEDY. And at the same time he was sending a representative to meet with you people?

Mr. BRADLEY. That is so; yes.

Mr. KENNEDY. That was secretly?

Mr. BRADLEY. That was my understanding of the meeting.

Mr. KENNEDY. Mr. Harold Gibbons is an official of the central conference of teamsters; is that right?

Mr. BRADLEY. I believe he is with the central conference of teamsters.

Mr. KENNEDY. Which has as its—

Mr. BRADLEY. I am not sure of that. I know he holds an official job in some branch of the teamsters.

Mr. KENNEDY. Did he mention at that time, at that meeting, the position of Mr. Hoffa on this?

Mr. BRADLEY. I don't believe Mr. Hoffa's name was mentioned at that meeting.

Mr. KENNEDY. Subsequently, in 1954, you had a number of elections?

Mr. BRADLEY. That's right.

Mr. KENNEDY. And the dispute between your own organization and the IBL continued; is that right?

Mr. BRADLEY. That's right.

Mr. KENNEDY. Did you meet again in 1955, with certain teamster officials, or 1954? December 1954 I guess was the next meeting.

Mr. BRADLEY. We met on December 3, 1954, in Chicago. I would like Mr. Gleason to explain, because I am a little confused on that meeting. I was having so many meetings that that meeting I am a little confused on—who was there and what went on.

I would ask you to ask Mr. Gleason that question.

The CHAIRMAN. We will be glad to.

Mr. Gleason, you may comment.

Mr. GLEASON. Well, I think that sometime between November 2, 1953—you will notice there is over a year, there is 13 months' difference there. The reason for that difference was that we did not have our elections for certification between the ILA and the IBL, the new organization set up by the AFL, until December 23, 1953.

After that election, after the ILA won that election, there was a protest put in before the National Labor Board, and the election was disallowed.

We were not certified. We went into formal hearings again and we had another election in May of 1954. By the time the election was all over, it took us until August of 1954 before we were certified by the National Labor Relations Board.

From August of 1954 we had to go into negotiations with our employers and we were working without a contract from October 1953 right through until August of 1954, while all the other ports in the North Atlantic, from Portland, Maine, to Norfolk, had already concluded their agreements and had received raises above what we were working for in New York.

Consequently, we went on a strike in New York, some time in October or November of 1954, to force the employers to pay us the retroactive money and to give us a better contract or to give us what they were giving the other ports in the North Atlantic.

Right after that contact was made with us again through our international office for another meeting in Chicago. What date the call came through or the message came through to meet in Chicago, I don't know. But I believe from the records that we went there on December 3, 1954, and I believe at that time, if my recollection is correct, that we met with Mr. Hoffa, Mr. Brewster, Mr. Gibbons, Mr. Lee, and I believe there were 1 or 2 other representatives from the teamsters present, plus myself, "Packy" Connolly, Captain Bradley, "Preacher" Jones, 1 of our vice presidents from New Orleans, Mr. Idzik, 1 of our vice presidents from Baltimore, plus Mr. Donovan, 1 of our vice presidents from Boston.

At that time we discussed sort of an alliance or compact between the two organizations to help each other out in organization.

They set up a code of ethics—I believe, watching your program the other day, you made it a part of the record, the alliance we signed; I believe you have it there—what the physical setup was supposed to be.

We agreed then, in principle, what it was going to be. We left there with the intentions of going back and recommending to our members that we work in cooperation with one another.

Mr. Senator, this was nothing new as far as we were concerned. We had what they call the transportation council in the port of New York as far back as 1951. The only reason why we did not continue it on is.

because prior to the Norris-LaGuardia Act, the courts enjoined us from cooperating with one another in those years.

Do you want me to go into other meetings, the subsequent meetings?

The CHAIRMAN. Do you have those exhibits here, the agreements? The witness says they have been placed in the record already.

Mr. KENNEDY. I don't think we have quite gotten to when the agreements were signed, as yet.

Mr. GLEASON. No, sir.

Mr. KENNEDY. So you had some other meetings?

Mr. GLEASON. On March 18 our records—and I believe them to be correct—on March 18, 1955, we held an executive board meeting in the Statler Hotel, among ourselves, the international.

At that executive board meeting we explained what our discussions were with the 6 or 7 representatives of the teamsters union, because at that particular time there were many of our own people, many of our own people, that did not want an alliance with the teamsters because they felt after the stand that Mr. Beck had taken originally, in signing the motion to have us expelled from the American Federation of Labor, many of our people did not want to go along with an alliance.

Mr. KENNEDY. You had that meeting, and then didn't you meet during the summer months?

Mr. GLEASON. I did not come to that one yet.

Mr. KENNEDY. I think we can just move it along a little faster. We do not have to go through every meeting.

But you had a meeting on March 21 and May 18; is that right?

Mr. GLEASON. That is right, sir.

Mr. KENNEDY. And subsequently in August, the 10th and 11th, you met at the Palmer House in Chicago?

Mr. GLEASON. That is right, sir.

Mr. KENNEDY. Can you tell the committee who was present?

Mr. GLEASON. An August 10 and 11 at the Palmer House in Chicago, the records here show that we had Mr. Brewster, Mr. Lee, Mr. Hoffa, Mr. Miller, and Mr. Tom Flynn present representing the teamsters. John O'Rourke was there also.

I believe O'Rourke might have been present at one of the other meetings, now, but my recollection is not too good on that. But I believe O'Rourke was at the original meeting in December with us, also.

We had our own executive council there on August 10, 1955. At that particular time, I think we agreed then, that in principle we were going to go along with an alliance with the teamsters and work out our organizational problems together.

Another thing you must bear in mind is that this was not alone for organizational problems. There is automation coming in the steamship vessels. There is new equipment coming along on these docks. These "piggybacks" and tankships are coming along.

Where we have the complete authority now on the waterfront to receive and deliver all cargo coming on and off the docks, eventually with this new type of mechanization coming along, the teamsters in some inland port that receives our freight, say for some place in Venezuela, or South America or Europe, will be taking the jurisdiction away from our own people.

We felt that by sitting down and discussing our common problems with the teamsters we would be in a position to stop all of this jurisdictional strife.

That was one of the reasons for it more so than anything else, for this alliance.

Mr. KENNEDY. Was it during this period that it was also discussed about being a part of the marine division of the teamsters?

Mr. GLEASON. Yes, sir.

Mr. KENNEDY. When was it decided that it would be an alliance rather than a marine division of the teamsters?

Mr. GLEASON. The alliance and the marine division, Mr. Counsel, would go along hand in hand. If you recollect, Captain Bradley said in his original remarks that we were looking to get back into the American Federation of Labor and he has taken that stand completely every chance he has, that he wants to get back into the house of labor.

But the American Federation of Labor kind of handcuffed themselves when they issued a new charter. Here they have now, if they take us back, dual jurisdiction. On the one hand we have ILA and on the other hand the IBL. So the procedure would be to get us back into the American Federation of Labor as our minds thought, would be with this setup of a marine division under the jurisdiction of the IBT.

Mr. KENNEDY. Subsequently you had several other meetings, and ultimately at the end of 1955 there were alliances, agreements signed; is that right?

Mr. GLEASON. That is right, sir.

Mr. KENNEDY. Did you sign with the southern conference, the eastern conference, and central conference?

Mr. GLEASON. That is right.

Mr. KENNEDY. We put in the eastern conference and the southern conference yesterday.

The CHAIRMAN. I hand you here what purports to be the agreements signed with the central conference. Will you gentlemen examine it and state if you identify it?

(Documents were handed to the witness.)

(The witnesses conferred with their counsel.)

Mr. BRADLEY. Yes, sir.

The CHAIRMAN. Thank you. That may be made exhibit No. 148.

(The document referred to was marked "Exhibit No. 148" for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. That agreement was signed on November 27?

Mr. GLEASON. It was signed November 27, 1955, but it was made retroactive to July 18, 1955, for the purpose that that was the last time—it was a 4-year compact, and it was to expire on July 18, 1955, to conform with our constitution, which called for a convention every 4 years.

We had held our convention in 1955, in July, and our next one, at that particular time, was July of 1959.

Mr. KENNEDY. So the pact, although signed November 27, 1955, is actually dated July 18, 1955?

Mr. GLEASON. Right, sir.

Mr. KENNEDY. I would like to ask you if this is a picture of your signing the agreement.

The CHAIRMAN. I hand you here what purports to be a publication, Longshoremen News, January 4, 1956. It has a picture on the front page of it, and beneath the picture a number of names of those who are in the picture.

I ask you to examine the picture and state if you identify it, and if it was made at the time of the signing of this document.

(A document was handed to the witness.)

(The witnesses conferred with their counsel.)

Mr. GLEASON. I think I can safely say it was, sir.

The CHAIRMAN. You think it was?

Mr. GLEASON. I think so, sir.

The CHAIRMAN. You think that is correct?

Mr. BRADLEY. Yes.

The CHAIRMAN. And the names that appear under that picture are the people who were present at the time the agreement was signed?

Mr. GLEASON. Yes, sir.

The CHAIRMAN. Thank you very much. That may be made exhibit 149.

(The document referred to was marked "Exhibit No. 149" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. So the agreement or alliance was signed, and this one for the central conference was signed by Mr. Hoffa for the central conference.

During this period of time, was there also discussion and negotiations by Mr. Hoffa with you people, or by Mr. Hoffa or his representatives, regarding a loan of some \$490,000 to the ILA?

Mr. GLEASON. Yes, sir. That was one of the stipulations that we made, and we insisted upon our debt to Mr. John L. Lewis would be paid before we could go and make an agreement with any other organization. We felt that in time of need he was there to help us, and he supplied the money. We had the brawn on the waterfront to keep the organization going, but he supplied the money.

We felt that before we should make an alliance with any other organization, that first, honorably, we should take care of our debts.

We made that a part of the agreement, that Mr. John L. Lewis, not alone himself, but I believe there were some other bills in there that had to be paid, also, that we had agreed upon to pay.

Mr. KENNEDY. And they amounted to about \$490,000; is that right?

Mr. GLEASON. Yes, sir.

Mr. KENNEDY. Mr. Chairman, I hand you a copy of at least the tentative agreement, showing how the money was going to be spent.

The CHAIRMAN. The Chair hands you this document dated the [blank] day of December 1955. I think it was actually signed December 21, 1955. It appears to be signed by representatives of the International Longshoremen's Association, Independent.

Attached to it appears to be a list of accounts. It says, "Bills rendered to the ILA, Independent, the amounts of which are in dispute," totaling \$197,891.81.

I will ask you to examine this document, gentlemen, and see if you identify it.

(A document was handed to the witnesses.)

(Witnesses conferred with their counsel.)

Mr. BRADLEY. Yes, sir; it is.

The CHAIRMAN. Thank you very much. That may be made exhibit 150.

(The document referred to was marked "Exhibit No. 150" for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. Was Mr. Hoffa requested, in the early part of 1956, to come to address a meeting of the executive board of the ILA?

Mr. BRADLEY. Yes, sir. The record is here. We held a meeting from February 27 to March 1 in the Governor Clinton Hotel in New York. At that particular meeting, we had all the presidents of all of our local unions throughout the entire international. We wanted to familiarize them with a set of rules, of procedure, rules of order they should follow, bookkeeping setups, and at that particular meeting, I think it was the last day, we had invited Hoffa to come there and address our meeting, which he did.

Mr. KENNEDY. Negotiations continued for the \$490,000, and Mr. Hoffa stated to you or to your group at that meeting that this money would be forthcoming to the ILA; did he not?

Mr. BRADLEY. Yes.

Mr. KENNEDY. But prior to his——

Mr. BRADLEY. May I butt in there on that?

Mr. KENNEDY. Yes.

Mr. BRADLEY. I think that with the money, I think that Mr. Mohn handled, with Mr. Mattie Albert Woll, and Mr. Waldman, Sr., I think that they worked it out more than Mr. Hoffa did. I think it was Mr. Mohn who was doing most of that work.

Mr. KENNEDY. Then on March 6 was there a letter written to Mr. James Hoffa, in 1956, from Mr. Waldman, on your behalf?

Mr. BRADLEY. Yes.

The CHAIRMAN. I hand you a copy of the letter and ask you if you recognize it. It is either a copy or the original. I am not certain.

Mr. BRADLEY. I would like to say, Mr. Chairman, in reference to the loan and the agreement on the loan, it was worked out between our attorney and their attorney, and any correspondence was done between the lawyers of the teamsters and the conference and our lawyers. They have all the correspondence.

The CHAIRMAN. You were kept advised, of course, of that correspondence.

Mr. BRADLEY. Yes, sir. Yes, Mr. Chairman, that letter is right.

The CHAIRMAN. That letter may be made exhibit 151.

Mr. KENNEDY. About this period of time, as I understand it, Mr. George Meany became aware of these discussions and meetings that were taking place?

Mr. BRADLEY. There was such a rumor.

Mr. KENNEDY. And he raised a question about whether the teamsters should make this loan to the ILA?

Mr. BRADLEY. He did.

Mr. KENNEDY. That brought about a postponement in the date that the loan was to be made; is that right?

Mr. BRADLEY. Yes, sir; it did.

(The document referred to was marked "Exhibit No. 151" and follows.)

Mr. KENNEDY. And that was the purpose of this letter to Mr. Hoffa on March 6, 1956, which reads:

DEAR MR. HOFFA: As you can imagine, the officers of the ILA were disappointed to hear yesterday that the delivery of the money to the certified list of ILA creditors, in accordance with the ILA's loan agreement with the three teamster conferences, was postponed from tomorrow, March 7, to an unspecified adjourned date.

We know that you must have been just as disappointed as our client at this postponement. We were all glad to hear of your statement today to Teddy Gleason that the loan would go through as arranged.

The ILA is anxious to facilitate the delivery of the moneys involved to its certified creditors at the earliest possible date. Toward that end, at the direction of Captain Bradley, we are enclosing herewith the 3 executed notes from the ILA which are called for in the loan agreement, 1 to each of the 3 teamster conferences, as you suggested.

We hope that with these notes in your possession, the actual delivery of the moneys can be concluded at the earliest possible date. We would appreciate it if you would let us know as soon as you can the date on which this will take place.

With kindest personal regards, we are,
Sincerely yours,

WALDMAN & WALDMAN,
By LOUIS WALDMAN.

Those are the attorneys for the ILA.

So you sent him the note saying you owed them the \$490,000?

MR. BRADLEY. Yes. That had something to do, some technicality, where the lawyers recommended that it be done that way.

MR. KENNEDY. So the notes say the ILA owes the teamsters \$490,000 and went into the possession of James Hoffa; is that right?

MR. BRADLEY. That is right.

MR. KENNEDY. Did you ever receive the \$490,000?

MR. BRADLEY. No.

MR. KENNEDY. Did you ever get the notes back?

MR. BRADLEY. No; not as of yet, we did not; no.

MR. KENNEDY. So, according to the records of Mr. Hoffa, the ILA owes Mr. Hoffa of the teamsters some \$490,000; is that correct?

MR. BRADLEY. Yes; according to that technicality.

MR. KENNEDY. Are you going to get the notes back?

MR. BRADLEY. We expect them. Mr. Waldman has written lately about them. I believe there is a letter on them that they have been mislaid in the bank or something.

MR. KENNEDY. Didn't he write a letter on March 22, Mr. Waldman, I believe, at your direction, 1957, asking for the notes?

MR. BRADLEY. I believe he did; yes.

MR. KENNEDY. And they still have not been returned?

MR. BRADLEY. No; they have not.

MR. KENNEDY. Do you know what he has been doing with them?

MR. BRADLEY. I believe we have been notified that they have been mislaid in one of the banks that they were to be doing business with.

MR. GLEASON. Don't you know that one of those banks has been in a lot of trouble out there, Mr. Senator? One of those fellows got into a lot of trouble out there. That State auditor. Maybe he has them.

The CHAIRMAN. I don't believe he would want a note to disappear with. I hand you the letter referred to, dated March 27, 1957, a copy of it, and ask you if you can identify it.

(A document was handed to the witness.)

MR. BRADLEY. Yes, sir.

The CHAIRMAN. That may be made exhibit 152.

(The document referred to was marked "Exhibit No. 152" for reference, and will be found in the appendix on p. 4925.)

The CHAIRMAN. What was the date of those notes? I am curious about that. They have had the notes in their possession more than a year and a half.

Mr. KENNEDY. They actually were sent, Mr. Chairman, on March 6, 1956, according to the letter.

The CHAIRMAN. March of 1956?

Mr. KENNEDY. Yes.

The CHAIRMAN. They have still had them 18 months?

Mr. BRADLEY. Our information is that the notes were mislaid somewhere and they are trying to find them.

The CHAIRMAN. They have not been returned to their proper place at least?

Mr. BRADLEY. No; they have not, sir.

Mr. KENNEDY. They are negotiable notes; are they not?

Mr. BRADLEY. I can assure you that they haven't been paid, either.

Mr. KENNEDY. Approximately February 29, Mr. Chairman, or on February 29, 1956, Mr. George Meany wrote Mr. Beck a letter protesting the proposed loan of the some \$400,000 to the ILA.

Are you familiar with that?

Mr. BRADLEY. No; we wouldn't be familiar with that.

Mr. KENNEDY. Captain Bradley, I understand that in April, namely, April 26, 1956, it was decided by ILA, in view of the fact that they had not received the loan that they expected, that they would dissolve their agreement with the teamsters; is that right?

Mr. BRADLEY. Well, I would like to make that point very clear. It wasn't due to the fact that they didn't receive the money that we canceled the alliance. It was on the basis that it created a situation where there would have been maybe a suspension of the teamsters out of the AFL; rather than to have any part of that, we suggested that we would cancel the alliance and work it on as friendly a basis as we could.

Mr. KENNEDY. These are the documents, I believe, that brought about the cancellation. You notified the teamsters that you were canceling?

Mr. BRADLEY. Yes, sir.

The CHAIRMAN. These documents may be made exhibit 153.

(The documents referred to were marked "Exhibit No. 153" for reference, and may be found in the files of the select committee.)

Mr. BRADLEY. Yes, sir; those are the ones.

The CHAIRMAN. Thank you.

Mr. KENNEDY. It would give the teamsters a great deal more power in New York City and on the eastern seaboard and in the other areas in which the ILA operates if this kind of an agreement stayed in existence; would it not?

Mr. BRADLEY. Well, Mr. Chairman, plainly from the standpoint of labor it would have done a lot of good for both organizations. The International Longshoremen's Association itself is about the only international that is organized, as far as the States are concerned, from Portland, Maine, to Brownsville, Tex., and also the Canadian ports from Halifax to Toronto, as the saying is now. It was before Montreal-Quebec. We had a lot to gain, and we still have a lot to gain, by having this alliance.

It is nothing unusual. As Mr. Gleason mentioned a few minutes ago, as far as the port of New York is concerned, there has been an alliance there for a good many years. There was a setup under our former president, Mr. Ryan, and the president of the joint council of teamsters, a committee of 6 from each side that would meet every so often to discuss the possibility of better organization work between the 2 organizations.

Mr. KENNEDY. It would be very helpful to the teamsters, would it not, to have this alliance with you?

Mr. BRADLEY. I say it would be very helpful to anybody to have the alliance with the ILA, yes, and the teamsters in particular.

Mr. KENNEDY. It would be helpful to you, as I understand it, as your finances are not in the best possible shape; is that correct?

Mr. BRADLEY. Well, I would like to say, Mr. Chairman, in them days; yes, sir. But today we are a little better off than we were then.

Mr. GLEASON. Could I elaborate a little bit about that organization and alliance with the teamsters?

The CHAIRMAN. You may.

Mr. GLEASON. I think this, Mr. Kennedy. I have heard a lot of testimony. I have followed your program pretty well here, and I think you have been pretty lenient with anybody that wants to say anything. I think you are looking for the facts. I think you have been pretty fair with everybody here.

The CHAIRMAN. Thank you, sir.

Mr. GLEASON. It wasn't a question of the port of New York. The port of New York and the city of New York, the joint teamsters council, has pretty nearly everybody organized. Nobody can take over the ILA. It has been there for 60 years. What the teamsters have really been looking for was in the Southern States, below Norfolk. You take North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, where they had the right-to-work laws. The teamsters had a lot of difficulty in organizing, and they needed the help of the longshoremen to organize them. How they needed the help was this way: If the trucks would come down on the dock to deliver or pick up, our people would refuse to work alongside a nonunion man. In that way, they were looking to build up their membership—Mr. Miller, especially in the southern conference. The long-haul truckers, between the central conference of the teamsters and the eastern conference, were well organized.

As everybody in New York knows, or everybody that has anything to do with ships operating knows, New York is not a railroad port. New York is primarily a trucking port. It depends upon its business from over-the-road trucking companies. We wanted to be in a position to protect, although both Mr. Bradley and myself are international men, and interested in longshoremen where they work; at least New York has been a port, and it has been kicked around, and you know now it is working at a disadvantage, you know that piers in New York City are at a premium, that it probably costs anywhere from \$750,000 to \$1 million a year to rent a pier in New York.

The average steamship line that handles 5,000 tons of freight in and out of a port a week, 52 weeks, would give you 260 tons a year, which is pretty good business for a steamship company, at a rental

of \$750,000 to \$1 million a year. That is almost \$3.85 a ton for rental, before they pay a man off, before they put an electric bulb on the dock; or before they put a sweeper on the dock, plus the 6 or 7 cents an hour now that is going to the waterfront commission.

You know, there is a penalty, of, I think it is 1½ percent an hour, on the earnings of the longshoremen. That is 6 cents an hour more. Plus the fact that the seaway is going to open up now.

All these long-haul trucking companies will not be coming into New York now. They will be going into Cleveland, Toledo, and Chicago 6 months out of the year.

Unless we work out some kind of jurisdictional problems with the teamsters, through an alliance, through a compact, then the eastern seaboard as we know it, will be like, in 5 years, Tombstone, Ariz.

(At this point Senator Kennedy entered the hearing room.)

Senator IVES. I would like to ask a question. I will direct it to Captain Bradley.

In line with the comments that have just been made concerning the alliance of the teamsters and your organization, it has been rumored, and bear in mind that it is just a rumor as far as I know, that an effort will be made, I assume by the teamsters, if Mr. Hoffa should become president of the international, to have a general alliance between your organization, controlled by Mr. Harry Bridges on the Pacific coast, the railroad brotherhoods, and the employees of the airlines—one great transportation organization in the country.

Do you know anything about such a proposal?

Mr. BRADLEY. Well, Senator Ives, there have been rumors of such a move, but there wouldn't, even at that, be anything unusual for something like that to happen. I know that your committee is very much interested in it. I have read some of the remarks of some of your committee.

Senator IVES. You have not read anything I have said, because this is the first inquiry I made.

Mr. BRADLEY. Well, I believe I read it some in the articles, or, as you say, it might have been a rumor.

But, nevertheless, the International Longshoremen's Association, and speaking for it as its president, there will never be an alliance between us and Harry Bridges. The teamsters, we welcome it, we think it is good, whether it is with Jimmy Hoffa or anyone else. We think, in our organization, of what is best for our membership. We would welcome an alliance or a working agreement.

As a matter of fact, we have always had it, Mr. Ives, we have always had a working agreement with the teamsters.

There are teamster locals that do not agree with the longshoremen any more than the longshoremen can agree with them. But I can assure this committee that at no time, to my knowledge, has any official in any official capacity sat down to work out an alliance with Harry Bridges.

Senator IVES. Well, I am very glad to hear that, and I commend your organization for the stand you take in that connection. What do you think about alining yourselves, making an alliance, with the railroad brotherhood, assuming the railroad brotherhoods would agree to it? Do you think that is feasible?

Mr. BRADLEY. Well, I think it is feasible but I don't think it is practical under the laws. The railroad has the Railroad Labor Act.

Senator IVES. It occurred to me it would not work out very well for that reason. I wanted to get your viewpoints.

How about the employees of the airlines?

Mr. BRADLEY. Well, there has been some talk about that, but I haven't discussed it with anyone and no one discussed it with me. I know there were some comments made about it, but we haven't sat down on it. We haven't talked. Nobody talked to myself or anyone else in our organization, that I know of, of such a move.

Senator IVES. Thank you.

The CHAIRMAN. Are there any further questions?

Senator KENNEDY. This fourth report of the New York State Crime Commission in 1953, May 20, talks about the ILA locals. It said that 30 percent of the officials of the ILA longshore locals have police records.

Waterfront criminals know that control of the local is a prerequisite to conducting racket operations on the pier. Through their powers as union officials, they place their confederates in key positions on the docks, shake down steamship and stevedoring companies by threats of work stoppages, operate lucrative public loading business, and carry on such activities as pilferage, loan sharking, and gambling.

That is a serious charge. It is true, as I understand it, that the union was suspended from the AFL because of similar charges. I am wondering what has been done about cleaning that situation up.

Mr. BRADLEY. Senator Kennedy, I think it is near time that the facts be presented to the people. One of the reasons that we were glad to come down here is we haven't had an opportunity anywhere to cry. We think, and we honestly believe, that the port of New York, or the maritime industry, is no different than any large industry.

In our minds, as being strictly union men on union principles, we believe that we were not kicked out of the American Federation of Labor because of racketeers or gangsters. We don't say we have halos, but we don't say we are any worse or any better than any other industry.

Senator KENNEDY. Well, Captain——

Mr. BRADLEY. Let me finish, Senator, if you please, because this point I want to get over.

I think as Mr. Gleason has said, you have been fair. One of the things that I want to get over to your committee, or the public in general, is this: There hasn't been, ever, any charges or any hearings or any trials between the American Federation of Labor before we were kicked out on racketeering or gangsterism. Mr. Meany has based the whole charges on what he read in the newspapers.

Let me tell you about the trial that we had before we were kicked out of the American Federation of Labor.

Mr. BRADLEY. This is the point, and then I will keep still if you let me give you this, Senator Kennedy, and then I will shut off.

We appeared before the executive board in Chicago, before they suspended us, or kicked us out, and there were 5 or 6 questions asked in that meeting between the executive board of the American Federation of Labor and our executive board. One of the questions was raised by the late Dan Tobin.

He got up and he said to Mr. Ryan: "Mr. Ryan, I have known you for 25 years. You have done nothing but stepped on the jurisdiction of the teamsters."

And Joe Ryan answered him, "Well, if we had a fight 25 years ago, let's bury the hatchet now. We don't want to be suspended from the American Federation of Labor," or some line along that. Another vice president got up and said, "You have our painters." Another vice president got up and said, "You have our carpenters."

Finally, I believe it was Vice President Hayes that got up and said, "What have we got the longshoremen here for—jurisdiction or rackets?"

Meany said, "We have them here for rackets."

And he said, "Well, let's hear about the rackets."

Mr. Meany cited one local union in the port of New York that he claims had a racket, and he mentioned the man's name, and he mentioned a local, and that was the only charge that was brought before the executive board of the AFL or our own, and then Mr. Meany said, "We heard enough from the ILA, and if you will excuse us, we will go into conference."

That is the trial we had, Senator Kennedy.

Senator KENNEDY. In the report of the proceedings of the AFL in 1953, in Mr. Meany's speech, it says:

We asked the longshoremen, in keeping with the custom of the American Federation of Labor of noninterference, to do certain things to try to clean up this situation, to bring democracy into this organization, to see to it that officers, who on the face of their own admission, under oath, are unfit for office, are tried under the rules of the international. During the 8 months since then we have received nothing but delay and promises.

Then by a vote of 79,079 to 736, which is 100 to 1, the revocation of the charter took place.

That is the situation, at least in 1953. It was confirmed to some degree by the report of the Crime Commission of New York in 1953. I read their statement.

I am wondering what happened since then. Now it is 1957. What has been done to clean it up since then?

Mr. BRADLEY. Senator Kennedy, there has been plenty done as far as the workingman in the port of New York. There is one thing we have to get clear once and for all: that the International Longshoremen's Association claims and defies anyone that says that we are not a legitimate labor organization. We will admit that we are not a police force. I am a labor leader. I am not a police commissioner.

I cannot in any way, shape, or form—and I have no power—dismiss anyone with any kind of a record in the port of New York.

As you know, we have been in a struggle for the organization's life in the port of New York, and, Mr. Kennedy, we tried, by eliminating local unions, to get to the bottom of the trouble in the port of New York.

As we dismissed men or put them out of local unions, they immediately went over to the American Federation of Labor, the IBL, which picked them up—I don't like to go into names, but I will in private give you the names; you can check on it—as they went out of our union, they went over and they were received and they were accepted by the American Federation of Labor.

The next day, after we put them out, they were on the waterfront fighting us.

That was one of the stumbling blocks that prevented any of the cleaning house that went on.

I can also state this——

Senator KENNEDY. Captain, I just want to try to ask you 2 or 3 questions, and then I will be glad for any statement.

In 1953, we had this report of the crime commission. We had Mr. Meany's report. I have these figures as of 1956. Of the 242 officers, 86 of them had criminal records, which is pretty high. I know something about this union in Boston, and it is not comparable in Boston. We do not have any statistics like this.

Mr. BRADLEY. Well, if they are better, we are glad to hear that, I am sure. Nevertheless, I would like to say this: that we don't know of any 86 men—are you speaking of the port of New York?

Senator KENNEDY. Yes.

Mr. BRADLEY. In the port of New York that have criminal records.

Senator KENNEDY. The point I am making, Captain, is—and I know something about it; I represented that district in Congress——

Mr. BRADLEY. But, please, Senator, don't put me in the position of defending criminals.

Senator KENNEDY. Let me just bring this out. The point I am making is that, to run a good trade union, you don't have to rely on officers that have criminal records. I have seen it in running the longshoremien's union in Boston, when I represented the district on the Waterfront in Congress, and there was not any comparable situation of this alliance that we have seen, which was described this afternoon, of these hoodlums and racketeers trying to get into the teamsters union and attempting to work out a tie with the ILA; and then we have a figure in 1953 from the crime commission where more than 30 percent had criminal records, and now in 1956, out of 242, 86 have criminal records. I do not see how you can defend that as good trade-union practices.

Mr. BRADLEY. Senator Kennedy, we don't know of 86 with criminal records, what you call a criminal or what you call a criminal record. All I can tell you since I have been the president of the ILA is that I have done what I could to give a democratic organization. A democratic organization, the record will show, consists of a free choice of members, a free choice of officials.

The local unions that you speak of, those men are elected, nominated, and elected by the local unions.

There is no way that we can run around from local to local with a police record of a man. As far as the union is concerned, we had hired public accountants to go over all of our union books, to set up central registrations, to put in a central bookkeeping system, eliminated about 15 or 20 locals in the port of New York by amalgamation of locals, to get them down to the least local as the best possibility, and in that way those elements, the undesirable elements, will be automatically put out by the membership themselves.

Myself, I can speak for the official family. There is no one in our official family, I mean the top echelon of the organization, with a criminal record that is a felony record.

I heard some talk about other records, but our goal was, and what we were trying to do was, to prevent anyone with any kind of a record getting into any part of our organization. And I think we done a fairly good job since I have been president.

Mr. GLEASON. Mr. Kennedy, along those lines. I think that you got 86 men there, and I think I saw a copy of that. Those 86 men, as

I understand it, some of them have police records with no convictions. I just had a chance to gaze over it quickly. Some of them have misdemeanors. Some of those fellows may have worked on the waterfront for 15, 18, or 20 years.

I wish you would check into their records and find out how long they have been working there. Under the waterfront compact, they make sure, they really make sure, that anybody with a real——

Senator KENNEDY. As a member of the executive board and president of a local, is he part of your official family, so-called?

Mr. GLEASON. No.

Mr. BRADLEY. A member of the——

Senator KENNEDY. A member of the executive board and president of the local. What do you consider him? Have you ever heard of the president of a local and member of the executive board——

Mr. BRADLEY. When I speak of executive officers, I am talking about the four top officers—myself; Connolly, executive vice president; the secretary-treasurer; and Gleason, the general organizer. They are the top four officials of our organization.

Senator KENNEDY. The only point I am making is that it was thrown out of the AFL. We heard Mr. Meany's statement, and after we read the record of the crime commission, and it is now 1957, and out of 230 officers 86 have these criminal records, misdemeanors, or something, and yet during the same period there was an agreement to tie in the teamsters union. We have already seen how that was infiltrated by Johnny Dio and "Ducks" Corallo, and a prospective loan of \$490,000. That does not seem a very good way to run a trade union.

Mr. BRADLEY. Mr. Kennedy, I want to say one other word on this. I don't want anybody to misconstrue that I am defending any criminals. But I have also saw a list, and I saw on that list three names of men that had misdemeanors. One of the men has six children. He was 18 or 19 years old when he committed the crime. He has six children now. Another one has four children. Another one has 2 or 3 children. I have no law and I have no right, only my God, to say to help rehabilitate those men and try to give them a living to bring those children up, and I don't think anybody has a right to deprive them of a living.

If we are to take a stand, if labor is to make a police force out of itself, and deny the right of men to work with a criminal record, at least a——

Senator KENNEDY. Wait a minute. No one suggested that they be denied a right to work, particularly those who have family responsibilities. What I am talking about is why more than one-third of the officers of your union have criminal records. That is what I am talking about. That is entirely different from their right to work.

Mr. BRADLEY. We can't help that. Please listen to me for one thing.

For the past 30 years, and I know you are a Christian man the same as myself, the International Longshoremens's Association would receive from ministers, priests, from all walks of life, from itself—we see a former police commissioner sitting in judgment of some of these men, and we have letters in our office to show that he sent men down and asked that they be put to work, and in 10 or 15 years he sits in judgment to tell us they have no right to work on the waterfront.

What do you want us to do?

Senator KENNEDY. The only point is I think the AFL, which is a responsible organization—you are suggesting that here—

Mr. BRADLEY. I am making no suggestions. I will make a suggestion. Let the AFL—

The CHAIRMAN. Just a moment.

Senator KENNEDY. The AFL is a responsible organization. It wants to rehabilitate these men and give them an opportunity to work. But if you cannot meet, since 1953, the standards that they set down, it seems to me that you have no justification in claiming that you are being abused when these charges are made.

Mr. BRADLEY. There is one thing we know on the waterfront, and that is labor. When the trusteeship was put in to take over the longshoremens' union, whether it was the IBL, or the ILA, Meany put into the trusteeship two men that we know, and I presume Meany knows. If he doesn't know, he should know, because he is supposed to know every criminal in the world. But, nevertheless, he puts them in. I will sit before you and your committee with those two men and I will go face to face with them. For every 1 that they name in our organization, I will name 2 in their organization.

If the American Federation—

Senator KENNEDY. Captain, that is a very discouraging statement.

Mr. BRADLEY. Just a moment. What I want to get over to you is this: If the American Federation of Labor can do it in the labor movement, don't single out one union and crucify them and keep harping on it—we are doing the best we can under the circumstances.

As Father Connolly said in Philadelphia, the only ones who want the longshoremens' organization are longshoremens.

Let him do it if he can in all labor, in all labor unions.

We happen to know that Mr. Beck was more interested in jurisdiction when he made the motion. We know that Paul Hall is more interested in putting some of his men as winchmen, as deckmen, on our ships, unloading or loading, and we know that Dubinsky was a great friend of Hall because Paul Hall done him a big favor along the line in the labor movement. That is what I gripe with.

If I could go back and I thought with my conscience I could say to these 86 men, "You can't be officers, you can't work on the waterfront, get off," I would do it overnight. But I can't do it because my conscience wouldn't let me do it.

If they commit a crime, the waterfront commission has taken 11½ percent of 11¼ percent of the sweat and blood of the longshoremens to pay a police force to enforce this. They have in their power to take off any man on the waterfront with a record, if they see fit.

I say, again, Mr. Kennedy, in all due respect, I am not a police commissioner. God help my father; he was a sheriff I understand. I didn't know him, but he was a sheriff. I took the other way; I went labor. I still have the sympathy for the underdog.

Mr. GLEASON. Senator Kennedy, in one of his statements, was tying us in with Corallo, Dio, and \$490,000 loans, and tied us in with the teamsters. We have never discussed our business; never sat down with Corallo. I doubt whether Captain Bradley knows him.

I know we don't. We have no business there. It was never our intentions to tie up with anybody. We want that on the record, that we were doing business to protect our own rank-and-file membership and make ourselves as strong as we possibly can. But there never

was any discussion about Corallo, Dio, or anybody else as far as we are concerned.

Senator KENNEDY. Mr. Gleason, if you heard completely what I said it was that, at a time after 1953 when the ILA was suspended, what we are investigating is the attempt of Dio and others to influence the teamsters and control the teamsters in New York, in the joint council.

What I was talking about was at this time, when this effort was being made with the knowledge and assistance of Mr. Hoffa, at the same time conversations were taking place between the ILA and the teamsters in New York to form a closer alliance, and go along with a loan of \$490,000.

I am not saying that you or Captain Bradley had a connection with Mr. Corallo and Mr. Dio. But I am saying that they were attempting to influence and infiltrate the teamsters at that time when the tie was to be made with your group.

Mr. GLEASON. The funny part of that is this, that Mr. Beck, when he designated Mr. Hoffa to conclude this alliance, wasn't the only one that was looking for an alliance with us.

Before Mr. Lindberg died, he sat with Captain Bradley and I in the Statler Hotel here in Washington and was looking to make an alliance with us, and this was after we pulled away from the teamsters' pact, looked to make an alliance with us with the sailors, the engineers, and the ILA. So there were quite a few groups looking to make alliances with the longshoremen.

Senator KENNEDY. My only point, Mr. Gleason, that I would like to see is, it would be possible for the ILA to set up standards within its operations to make it possible for you to rejoin the AFL.

Mr. GLEASON. I believe they are right in doing that. But we are being criticized here on account of the 86 men here.

Senator KENNEDY. I am saying that is a high percentage.

Mr. GLEASON. That is right.

Why don't you do this? Take everybody in the transportation industry, all the organizations in the transportation industry, and find out what the percentage is, just in the transportation industry? As you know, the teamsters and the longshoremen, the longshoremen more than anybody else, in the ports of these United States from time immemorial—my father came over from Ireland, my grandfather came from Ireland, and landed on the waterfront. People with records immigrated to the waterfront because they were afraid. The language situation had them.

Check this. Tie all the transportation unions together and then find out what the percentage is. That would be a fair answer.

The CHAIRMAN. I am sorry, gentlemen, but we have other duties and we are being called now to perform one of them. It is to cast a record vote in the Senate.

I wish to thank you gentlemen for your appearance, for your testimony.

I am advised by the staff that Mr. Harold Kolovsky, commissioner; Mr. Carl J. Rubino, commissioner of New York, waterfront commissioner of New York Harbor; and Mr. Michael Murphy, executive director of the commission, have been very cooperative with the committee. We thank you very much.

Mr. KENNEDY. Also, Mr. Tom Jones, of the Commission, and Miss Jean Dunne have been helpful.

The CHAIRMAN. Thank you.

The committee stands in recess until 2 o'clock Monday.

(Whereupon, at 6:05 p. m., the committee recessed, to reconvene 2 p. m., Monday, August 19, 1957.)

(Members present at the taking of the recess: Senators McClellan and Kennedy.)



INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

MONDAY, AUGUST 19, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 2 p. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senators John L. McClellan, Democrat, Arkansas; Irving M. Ives, Republican, New York; John F. Kennedy, Democrat, Massachusetts; Pat McNamara, Democrat, Michigan; Karl E. Mundt, Republican, South Dakota; Barry Goldwater, Republican, Arizona; Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Paul J. Tierney, assistant counsel; Robert E. Dunne, assistant counsel; Walter R. May, assistant counsel; Pierre E. G. Salinger, investigator; Ruth Young Watt, chief clerk.

(Members present at the convening of the session: Senators McClellan, Ives, Ervin, and Curtis.)

The CHAIRMAN. The committee will come to order.

We will resume hearings on the New York area.

Mr. Counsel, call the next witness.

Mr. KENNEDY. Mr. Einar Mohn, Mr. Chairman.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MOHN. I do.

TESTIMONY OF EINAR O. MOHN

The CHAIRMAN. Mr. Mohn, state your name, your place of residence, and your business or occupation, please, sir.

Mr. MOHN. My name is Einar O. Mohn. I reside at 7205 Rollingwood Drive, Chevy Chase, Md. I am a vice president of the International Brotherhood of Teamsters, and in addition to that the administrative assistant to the general president.

(At this point, Senator Goldwater entered the hearing room.)

The CHAIRMAN. Mr. Mohn, you do not have counsel with you. Have you elected to waive counsel?

Mr. MOHN. I waive counsel.

The CHAIRMAN. Thank you very much.

How long have you been in the labor movement, Mr. Mohn?

Mr. MOHN. Since 1933.

The CHAIRMAN. How long have you been executive vice president of the Teamsters International Union?

Mr. MOHN. I came back to Washington, I think the date was either the 9th or the 11th of March 1953.

The CHAIRMAN. All right, Mr. Counsel, you may proceed.

Mr. KENNEDY. What was your position before that, Mr. Mohn?

Mr. MOHN. Before that, I was general organizer, located at San Francisco, Calif.

Mr. KENNEDY. And you came back when Mr. Beck came back?

Mr. MOHN. No; it was after that.

Mr. KENNEDY. Shortly after he took over the presidency?

Mr. MOHN. He took over the presidency at our convention in 1952. His term of office started in December of 1952, and I came back here around the middle of March.

Mr. KENNEDY. Prior to that you had been in charge of the San Francisco area, general organizer in that area?

Mr. MOHN. I was generally overseeing the work in the State of California.

Mr. KENNEDY. Had you always worked in California?

Mr. MOHN. No.

Mr. KENNEDY. How many years were you there?

Mr. MOHN. I went down to California, I believe, in the fall of 1937, my first assignment.

Mr. KENNEDY. And you were in California, then, until you left, from 1937 on?

Mr. MOHN. I traveled. I was traveling a great deal.

Mr. KENNEDY. Were you working out of the international headquarters, were you, or were you associated with one of the locals or joint council in California?

Mr. MOHN. For a time I was located in Los Angeles, and then we moved that office to San Francisco, in 1947.

Mr. KENNEDY. With what office were you connected in Los Angeles?

Mr. MOHN. I was international organizer, general organizer.

Mr. KENNEDY. At that time?

Mr. MOHN. Right.

Mr. KENNEDY. Mr. Mohn, as I am sure you know, we are interested, at this time, in these locals that were established in New York in November of 1955, the months that followed in 1956. The locals that I am talking about chiefly are the ones that are there on the board, the so-called phony locals, seven of them in number.

Mr. MOHN. Yes.

Mr. KENNEDY. I would like to ask you what connection you had with the chartering of those locals, when you first heard of them, who approached you, and what steps you took in connection with the chartering or giving charters to these applicants.

(At this point, Senator Curtis withdrew from the hearing room.)

Mr. MOHN. Well, the best of my recollection is that this came to my attention on or about—right following November 4. I peg that date because that was the date that we dedicated our new building—November 5, 1955.

Mr. KENNEDY. Did somebody approach you or speak to you at that time about these locals?

Mr. MOHN. Yes.

Mr. KENNEDY. Would you tell us who did that?

Mr. MOHN. Vice President Hoffa spoke to me about some charters for some local unions at that time.

Mr. KENNEDY. That was at the dedication of the building here in Washington?

Mr. MOHN. That is correct.

Mr. KENNEDY. Did he say that the charters would be granted in the New York area at that time? Did he tell you that?

Mr. MOHN. He didn't say that they would be granted. He spoke to me about issuing charters in the New York area at that time. The charters were to be issued for—with 1 exception, I believe 1 exception only—to locals that were at that time affiliated with the UAW-AFL.

Mr. KENNEDY. You just had that one conversation with him, with Mr. Hoffa, at that time?

Mr. MOHN. There might have been some subsequent mention of it afterward, but to my recollection there had been no conversation prior to that time.

Mr. KENNEDY. Did he tell you anything about the applicants for these charters?

Mr. MOHN. No; he did not.

Mr. KENNEDY. Did he describe them as being former members or present members of the UAW-AFL?

Mr. MOHN. I think all that was said was that these were locals that were affiliates of the UAW-AFL.

Mr. KENNEDY. And he gave you no further description of them? Did he tell you how many members these locals had?

Mr. MOHN. No, he did not.

Mr. KENNEDY. Did he tell you how many members would be able to come into the teamsters union if you gave these charters?

Mr. MOHN. Well, they were all in the field of what we would call miscellaneous workers. I don't think that he attempted to make any estimate on how many people could come in. But there were a lot of people that could be organized in these fields.

Mr. KENNEDY. Did he tell you why these charters should be granted? What the advantage to the teamsters would be?

Mr. MOHN. Well, the principal reason—

Mr. KENNEDY. I am asking what he told you.

Mr. MOHN. Yes. Well, that is what I am trying to tell you.

The principal reason was that we were going to have an AFL-CIO merger convention, something that hadn't been had before, and the proposed constitution which we all had copies of provided that affiliates could maintain the jurisdiction that they had and would also be permitted to continue the organizing jurisdiction that they enjoyed prior to the merger. Whatever the latter means, I am sure I don't know.

(At this point, Senator McNamara entered the hearing room.)

Mr. KENNEDY. Did he discuss that with you?

Mr. MOHN. Yes; it was discussed.

Mr. KENNEDY. You discussed that section of the constitution, did you?

Mr. MOHN. Yes; we did.

Mr. KENNEDY. In connection with what? How did that apply to this?

Mr. MOHN. Well, that section of the constitution, I think, speaks for itself. Give me just a moment and I will find it here.

Mr. KENNEDY. Is that section 4, article III?

Mr. MOHN. It is article III, and section 2 reads as follows:

Each national and international union, and each Federal labor union affiliated with the American Federation of Labor at the time of this constitution and by reason of a charter, or certificate of affiliates granted by that federation and each national or international union organizing committee and local and industrial union affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution, by reason of a charter or certificate of affiliation granted by that federation, shall retain its charter or certificate which shall become and be a charter or certificate of this federation, and by virtue of the same and as a result of the merger between the American Federation of Labor and the Congress of Industrial Organizations shall be an affiliate of this federation and subject to its rules and regulations.

SEC. 3: Each such affiliate shall retain and enjoy the same organizing jurisdiction in this federation which it had and enjoyed by reason of its prior affiliation with either the American Federation of Labor or the Congress of Industrial Organizations. In case of conflict and duplicating jurisdictions involving such affiliates, the president and the executive council of this federation shall seek to eliminate such conflicts and duplications through the process of voluntary agreement or voluntary merger between the affiliates involved.

SEC. 4: The integrity of each such affiliate of this federation shall be maintained and preserved. Each such affiliate shall respect the established collective-bargaining relationships of every other affiliate and no affiliate shall raid the established collective-bargaining relationship of any other affiliate. When a complaint has been filed with the president by an affiliate alleging a violation of this section—

and then it provides how that may be settled.

(At this point, Senators Kennedy and Mundt entered the hearing room.)

Mr. MOHN. I might add that we had under consideration, by virtue of having been approached, two Federal labor unions about the same time. But the urgency was not there as far as the Federal labor unions were concerned, because they still provided in the new constitution that it was the purpose of Federal labor unions, and whatever they called the CIO directly affiliated unions, that the general purpose was still to find a place in some national or international union for those.

Objection was made to us by McDonald, of the CIO steelworkers, who made some claim over these two Federal unions, and we did not go through with processing their application for affiliation.

Mr. KENNEDY. So Mr. Hoffa spoke to you about the granting of charters to these applicants up in New York; is that right?

Mr. MOHN. He did. Correct.

Mr. KENNEDY. And did you take certain steps after that?

Mr. MOHN. Well, he had spoken to President Beck prior to speaking to me about the question of getting these people affiliated prior to the merger convention.

I did not know that at that time, but I was subsequently told.

Mr. KENNEDY. Then did Mr. Beck speak to you about it?

Mr. MOHN. Yes; he mentioned it in, I would say, a very general way, that it was all right to go ahead and charter these people.

Mr. KENNEDY. Was this, again, around November 4, 1955?

Mr. MOHN. It could have been—it certainly was around that date. Within a couple of days of that date; yes.

Mr. KENNEDY. Did you know anything about the background of these people, or were you just relying on Mr. Hoffa?

Mr. MOHN. I knew nothing about the background of any of the people involved in any of those local unions.

Mr. KENNEDY. What was the next thing that you heard about it?

Mr. MOHN. I did not hear any more about the chartering of those locals. I went up to New York.

Well, first of all, I was away from the office, because we went up to see Daniel Tobin, who was ill and not expected to live, and his funeral then was on November 6. We went to the burial in Boston on November 17 and 18, and we went to Washington, D. C.—I mean, New York City from Washington, D. C., I believe, on the Saturday after Thanksgiving Day.

Mr. KENNEDY. Which would be what day?

Mr. MOHN. I don't have it marked down here.

Mr. KENNEDY. It was the end of November, anyway?

Mr. MOHN. Yes; it is the end of November.

Mr. KENNEDY. The charters had not been granted as of that time?

Mr. MOHN. They had not.

Mr. KENNEDY. I show you these charters that we have in our possession.

The CHAIRMAN. The Chair presents to you exhibit No. 13, which has been identified as a charter application. It has a notation on it of the date of issuance of the charter based on that application.

Then I hand you exhibit No. 12—A, B, C, D, E, and F, six applications for charters, all dated November 3, and all bearing the same notation in pen and ink on the left-hand corner as exhibit No. 13.

I ask you to examine these and state if you recognize them and whether you identify the handwriting on them.

(Documents handed to witness.)

Mr. MOHN. No; I don't. I have never seen these before, to my knowledge, Senator McClellan.

The CHAIRMAN. Did you issue charters without seeing the application?

Mr. MOHN. I don't think that I issued these charters.

The CHAIRMAN. You do not think you issued them?

Mr. MOHN. No, sir.

The CHAIRMAN. As I understood you, you said as late as Saturday following Thanksgiving, in November of that year, the charters had not been issued.

Mr. MOHN. That is correct. And I still believe that that is correct.

The CHAIRMAN. You observe on each of these applications that there is a notation, "Charter issued on the 8th day of November 1955."

Am I correct?

Mr. MOHN. That is what the notation says, Senator McClellan. Of course, the information that I have about this I obtained after the fact. It is my information, to the best of my knowledge, and what I could obtain, that what actually happened was that the charters were to have been applied for with the date of November 8. Why they were not, I don't know. They carried the date of November 8, but physically they were not issued in our office until some date during the week preceding the AFL-CIO merger convention.

That is the best knowledge I have.

The CHAIRMAN. Let me ask you another thing about those applications, Mr. Mohn. As I recall, none of them are signed. They are

just typewritten applications with names on them, but no signatures. Am I correct?

Mr. MOHN. That is correct. That is the way they appear here.

The CHAIRMAN. Is there anything unusual or extraordinary about that?

Mr. MOHN. Yes. I would say that that was a little bit out of the ordinary.

The CHAIRMAN. Do you recall having issued any other charters on such forms of application? I do not mean the form itself, but where there was no signature to identify the applicant or the sponsor of the application?

Mr. MOHN. Well, I would have a difficult time recalling that, because actually I have not personally looked at nor read very many of the charter applications.

That is not implying that I didn't know about them, but the physical work of taking care of filling out these forms and getting the orders and sending them out I have not handled.

The CHAIRMAN. Who would be the proper party, particularly in the absence of the general president, to examine the applications and find that they were in order, and give the direction that the charter be issued?

Mr. MOHN. It would be out of the general president's office. I am not shirking any responsibility for that. I am saying that when you ask me if there had been others come in that were not signed, I could not give you an accurate answer because I don't know.

The CHAIRMAN. It is not the practice?

Mr. MOHN. I would say, I would expect, that charter applications are generally signed; yes, sir.

The CHAIRMAN. So those are unusual in that respect?

Mr. MOHN. Yes; I think that is a fair statement.

The CHAIRMAN. May I ask you now if you recall how they happened to come to the international office? Did they come by mail or were they presented by someone personally?

Mr. MOHN. Well, I was not at the office. I personally couldn't tell you that this happened, because I wasn't there. It is my information, and I think it is accurate information, that an individual from New York came down with the names of the people that were to go on the charter applications, and that the physical job of getting the charters prepared was done at the same time that he brought them in.

The CHAIRMAN. And the notation, obviously, was made on them on the same day that he brought them in, that the charter was issued that day?

Mr. MOHN. Well, that is a notation—I don't know whose handwriting that is.

The CHAIRMAN. Is it not a fact that a man that came down from New York just brought a list of names—

Mr. MOHN. That is my information.

The CHAIRMAN. And that the applications were actually prepared here in the international office?

Mr. MOHN. That is my information.

The CHAIRMAN. Without anyone signing them?

Mr. MOHN. That they were actually prepared in the office of the secretary-treasurer.

The CHAIRMAN. In other words, the entire transaction took place in that way?

Mr. MOHN. That is my information. I believe that is correct.

The CHAIRMAN. Except you say that the charter was not actually issued until sometime after Thanksgiving?

Mr. MOHN. That is——

The CHAIRMAN. What record do you have to indicate that?

Mr. MOHN. I would have none in my office.

The CHAIRMAN. Is there no record kept of charters granted, the date they were granted, and so forth?

Mr. MOHN. Oh, yes; but that would all be in the office of the secretary-treasurer, because he physically does the work of preparing the charters and sending them out. We don't do that.

The CHAIRMAN. Who was the secretary-treasurer at that time?

Mr. MOHN. John F. English.

The CHAIRMAN. Who?

Mr. MOHN. John F. English.

The CHAIRMAN. Do you know the man who brought—can you give us the name of the man who came down with a list of names for these charters?

Mr. MOHN. I am sure it was John McNamara, from New York.

The CHAIRMAN. I believe we asked him about it, and we did not get much information.

Mr. MOHN. I understand you didn't.

The CHAIRMAN. Do you know a Teresa Hanlon, who probably worked for you that year in the international office?

Mr. MOHN. No. I don't think she worked for me.

The CHAIRMAN. I mean worked—well, not for you personally, but worked for the international headquarters.

Mr. MOHN. No. I may have known her when I saw her, but I don't——

The CHAIRMAN. Specifically, I think, for Mr. John English.

Mr. MOHN. Right.

The CHAIRMAN. Will you examine this affidavit, and particularly the signature of Teresa Hanlon, and state whether or not you recognize it?

(Document handed to witness.)

Mr. MOHN. I would not know her signature, Senator.

The CHAIRMAN. You would not know her signature?

Mr. MOHN. No; I would not.

The CHAIRMAN. You may return the document.

Mr. MOHN, probably I am getting a little ahead of counsel, but let me ask you this question: Was there some agreement in writing between joint council 16 in New York that no charter would be issued in that area, within its jurisdiction, without their knowledge?

Mr. MOHN. Yes; there was. There was such an agreement entered into as a result of a conference between myself and some of the officers of the New York joint council. I don't remember the date of that, but it certainly was sometime before the issuance of these charters.

The CHAIRMAN. In other words, that agreement had been observed up until the time of the issuance of these charters?

Mr. MOHN. I believe it had; yes, sir.

The CHAIRMAN. Do you know why it was not observed in this instance?

Mr. MOHN. The only answer I could give you, and all I know, is that the urgency of getting it done prior to the merger convention—and if there was any error committed, that was an error in judgment on my part, was the only reason it wasn't followed out.

The CHAIRMAN. Was it a further error of judgment when joint council 16 requested copies of the charters and information about them after they had heard from other sources they had been issued?

Mr. MOHN. Well, I think about the time that they were asking for information about these charters there was quite a political controversy, at least, that broke out in New York. Whether it had been brewing before that time or not, I don't know.

The CHAIRMAN. After it came to your attention that the charters had been possibly irregularly issued in disregard of that agreement, and under circumstances where publicity was indicating there was something out of order about them, did you or did the general president do anything to recall the charters, to cancel them, or to nullify them?

Mr. MOHN. No, sir; we did not. We did not.

The CHAIRMAN. Mr. Counsel, you may proceed.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Mr. Mohn, quite apart from the instant cases, I want to ask you some questions in general about charters. It would be my impression that a charter for a union is a pretty valuable document. Would you agree with that or not?

Mr. MOHN. I would agree with that.

Senator MUNDT. Could you advise the committee, consequently, what, in general, are the safeguards that you establish out of your office to protect the union against granting charters fraudulently or to improper people?

Mr. MOHN. Well, the normal procedure when you receive a charter application is that either some general organizer or a vice president, or perhaps a joint council, would approve or vouch for the issuance of a charter. That is the general procedure. We would have no opportunity, Senator Mundt, in the office, to make ourselves personally acquainted with the people out in the field who would be concerned with this charter.

Senator MUNDT. You had sort of a home-rule procedure——

Mr. MOHN. Right.

Senator MUNDT. That if the local officers or local representatives of the international would vouch for them, you would not go beyond that, and you would assume that he had made the proper investigation?

Mr. MOHN. Right.

Senator MUNDT. And as a consequence in this instance, when that procedure was violated, for whatever reason it was violated—and I think you have agreed that in this instance it was violated——

Mr. MOHN. I said in this instance it was irregular. I think Senator McClellan's question asked whether or not in this instance we had issued these charters in contradiction to the agreement that we had with the joint council.

Senator MUNDT. Let me ask you a question so that we will get on the basis of mutual understanding. Let me ask you this question: In the case of these charters which you had before you a few minutes

ago, is it not correct that the procedure was violated which you have just enunciated, of having the local representatives vouch for the charters.

Mr. MOHN. Well, let me say in connection with New York, that perhaps no joint council in the international union over the years had paid as little attention to regular, accepted procedure as the joint council in New York.

The agreement that you ask me about, or Senator McClellan asked me about, that we entered into, was entered into, or the request for such an agreement was entered into, primarily because at that time Vice President Hickey, who was our general organizer, he had requested over a period of time the issuance of some charters that were issued in New York, without the expressed approval of joint council 16. It was because this had been going on that they asked for this agreement, which we sat down and worked out with them.

So the history of joint council 16, without taking up a lot of the time of this committee, which I am sure they are not particularly interested in going into, had been one where the standard operating procedures that we had established with most of our organizations had not necessarily been too important in New York.

Senator MUNDT. In this particular case, however, neither joint council 16 nor your general organizer, nor your vice president, who in this case were one and the same—Mr. Hickey—neither Mr. Hickey, as general organizer and vice president, nor the joint council had placed approval on these so-called paper charters or paper locals.

Mr. MOHN. Well, our records show that Mr. Hickey was absent for about a period of a month during the time that these applications were first received and during the whole period of time of the merger convention. He was on his vacation and was not in New York. He had not been contacted because the request for these charters had not come to the attention of our office prior to him being absent from New York. He was certainly advised about it when he came back.

Senator MUNDT. So for whatever reason, he did not approve these charters in advance?

Mr. MOHN. That is right.

Senator MUNDT. And the joint council had not approved them in advance?

Mr. MOHN. Right.

Senator MUNDT. Why had the joint council not approved them in advance? They were not all on vacation.

Mr. MOHN. No; they were not all on vacation.

Senator MUNDT. What reason was it that they did not approve them?

Mr. MOHN. Well, I think where we get into this conflict is that we are talking about a November 8 date, and to the best of my recollection we actually had nothing to act upon until the week of—the last week in November. Now, if we had had the formal charter application blanks in our office, say, 5 or 6 weeks prior to this convention being held, I am sure that they would have followed normal procedure.

Senator MUNDT. What I was really leading up to in my line of questioning, Mr. Mohn, was this: Since in this particular case the arrangement which you followed across the country generally was violated, for whatever reason, violated to the point that neither the local

joint council nor the local organizer nor the local vice president had placed approval on the charters, it would seem to me that your curiosity would have been aroused by the fact that charters under those circumstances came to you without signatures; that the totality of evidence—no local endorsement, no local support, and no signatures—would have been a bronze light in your office to say, "Well, we had better investigate this pretty carefully. This is such a flagrant violation of our policy, maybe something is wrong."

Mr. MOHN. I know of no merger convention that has been held since the Knights of Labor, to absorb themselves into the AFL, except this one, and there were a lot of unusual things going on about that time, Senator Mundt.

Senator MUNDT. So you explain the whole situation strictly on the basis that you were having a sort of shotgun approach to this merger convention.

Mr. MOHN. I do.

Senator MUNDT. And you were, therefore, violating established procedures in order to consummate items of business before that time?

Mr. MOHN. I do. I assure you that if they had come up at any other period excepting under the stress of the convention which we were all very much concerned with, and, I might add, we are still concerned with it, they would have received the normal usual treatment. There would have been no reason for them not to have.

Senator MUNDT. Is it a fair summation of your testimony, Mr. Mohn, to say that there were no other influences, no other factors, no other conditions involved in these unusual procedures, putting them into operation, than the pending joint merger?

Mr. MOHN. As far as I was concerned, Senator Mundt, and I can only be responsible for Mohn sitting here today, as far as I am concerned there were no other factors involved; none whatsoever.

Senator MUNDT. Could you add to that that there were no other factors influencing Mohn and there were no other factors of which you have any knowledge?

Mr. MOHN. At the time it occurred, there were no other factors that I had any knowledge of; no. That is right.

Senator MUNDT. Since then, as a result of our investigation, you imply you have learned about some other factors.

Mr. MOHN. Well, I want to give the committee credit for everything that they are entitled to. But I think if you will read the record, immediately following that or very soon after that, this became a political issue in New York, and certainly at that time we found out that there may have been other motives involved in obtaining these charters.

Senator MUNDT. The first information——

Mr. MOHN. That was long before this committee started its investigation.

Senator MUNDT. The first information to that effect came either from Mr. Hickey or Mr. Lacey, or both, I presume?

Mr. MOHN. I think the first indication that we had that there was any political activity in the New York joint council came from Mr. Lacey's protest. There was no indication during the 2 weeks that I spent in New York that there was going to be a contest for the joint council presidency. There may have been people who knew about it, but I did not know about it.

Senator MUNDT. Thank you.

Senator KENNEDY. You state that this did not become known to you, these facts, until afterward, Mr. Mohn?

Mr. MOHN. That is right.

Senator KENNEDY. How long afterward? You say it became a matter of a political issue in New York.

Mr. MOHN. Well, the committee has all my files, which they have had since early this year, and I think there is a whole sequence of communications and correspondence that pretty well tells the story.

Senator KENNEDY. Mr. Mohn, let me ask you this: What action did you take, once you found out some of these facts that have been coming out, what action did you take to take away the charters?

Mr. MOHN. We did not take any action and take the charters away. When the protest had been made that these people were to be seated for the purpose of voting in this election—you have a copy of a letter the general president sent to the New York joint council, stating that he would not permit them to vote in this election. They never did vote in this election. Their ballots were never opened, to my knowledge, until this committee obtained them and opened them. They were never voted.

Senator KENNEDY. Mr. Mohn, in other words you are stating that once these facts became known to you and to the president, that you used your influence and the president used his to prevent these ballots from being counted in the election, to prevent these locals from being seated, and also—is that what you are saying?

Mr. MOHN. I did not say that. You said that.

Senator KENNEDY. What did you say?

Mr. MOHN. I said we notified them that the ballots—if these people were going to vote, that the ballots were not to be counted, that they were to be kept in a separate file, that they were to be properly sealed, and they were to be held there. That is what we told them and that is exactly what happened. The ballots never were counted until the committee counted them.

Senator KENNEDY. On December 3, 1956, a year later, you are familiar with a wire that Mr. Dave Beck sent to Martin Lacey, saying that each of the locals involved is a duly chartered local union affiliated with the international brotherhood, and each has been such a local for approximately a year.

Withholding by a joint council of recognition within that council to a duly chartered affiliated local union of the international brotherhood, and the failure of the joint council to recognize or seat qualified delegates of that local union, is contrary to the constitution of the international brotherhood.

That does not seem to me, Mr. Mohn, that very much was done once these facts became known to prevent these charters from being maintained, to prevent these delegates from being seated.

Mr. MOHN. We insisted that the local unions be seated in the joint council. From the very outset we insisted upon it. Our information, and I think substantiated by correspondence the committee has, in that the executive board of the joint council 16 met and that the majority of the board insisted upon that. They complained that the chairman at that time, Martin Lacey, had refused to go ahead and act upon the motion that had been adopted by a majority of the executive board. That is my recollection of what was in the files.

Senator KENNEDY. The point I am getting at, Mr. Mohn, is that in 1955 these charters were granted and you have given an accounting saying you did not realize some of the factors behind the granting of the charters. Now we have a year later this wire by Mr. Beck, and we have other indications through that year, that in spite of the fraud involved in granting these charters, that the pressure from the top was in favor of maintaining these charters.

I am asking you, when the factors behind the issuance of these charters came to your attention, what action you took to repeal these charters.

Mr. MOHN. Well, of course, I can't assume your premise in asking that question. You said there was fraud used in the granting of these charters. I don't say that there was fraud used in the granting of these charters. I say that we did not follow the agreement we had with joint council 16.

Now, I think there is a vast difference between not following the agreement we had with joint council 16 and attributing to the international union fraud in the issuance of these charters.

Senator KENNEDY. You state that if you knew then what you know now, that you would still be in favor of these delegates being permitted to vote.

Mr. MOHN. I did not know at the time the charters were issued who the delegates were, and I didn't know a year afterward who the delegates were.

Senator KENNEDY. I am not talking about who they were or what their names were. Did you know the conditions under which they were established; these locals?

Mr. MOHN. I knew very little about it.

Senator KENNEDY. Now, if you knew then what you know now about it, would you be in favor of these charters being granted and these delegates being seated?

Mr. MOHN. Well, I tried to tell you, Senator Kennedy, that if it hadn't been for this impending merger convention these charters would have received the same consideration as any other charter that had been applied for. If that had been done, certainly we would have found out something about the conditions that existed in the community or the locality as to why they were asked for, one or more charters.

Senator KENNEDY. What would you have done then, Mr. Mohn?

Mr. MOHN. We probably would have gotten ahold of our vice president in that area, and if we had a general organizer, and if it was a large joint council that functioned with full time help we would have gotten ahold of somebody and asked them to give us a report on what the reasons were for the requests for these charters.

Senator KENNEDY. When did you do that; or did you ever do that?

Mr. MOHN. We have never done it.

Senator KENNEDY. You have never done it?

Mr. MOHN. No, because shortly after that the matter got into litigation in the New York courts, and it was kicked around there for many months. Lacey maintained his office and there was no change in the joint council office, and I know of nothing that the joint council itself did or anybody else in the area to concern themselves after the matter of the election had been settled. I know of nothing that they did.

Senator KENNEDY. No action was taken once these charters were granted, and no action was taken by you or by anyone, to your knowledge, in the international against the people involved in the granting of these charters, once the facts behind the granting of the charters or behind the formation of the charters came to your attention. No action was taken; is that correct?

Mr. MOHN. No action has been taken.

Senator KENNEDY. Now, Mr. Mohn, the last question: If you knew then what you know now, would you favor the granting of these charterers, or would you have favored them?

Mr. MOHN. If the committee's information is correct, and I assume it is correct, on some of the individuals that I have heard mentioned over the radio and seen in the newspapers, no, I don't think we would have granted the charters.

Senator KENNEDY. In other words, then, this information has not been available to you until the committee began its hearings?

Mr. MOHN. I knew none of the individuals or any of their history.

Senator KENNEDY. You stated that this was a matter of some public knowledge because it became a political issue. In other words, you are saying until this committee began these hearings these facts brought out were not known to you.

Mr. MOHN. I don't think that the New York joint council ever raised the question of the charters because of the individuals that were involved. They raised the question of the charters because they represented votes.

Senator KENNEDY. Because of the individuals involved, and because of the fact there were no members. Is that what they raised the issue about?

Mr. MOHN. I don't know about the question of membership. I can give you our records. Whether this represents the actual membership or not, I don't know. These are the tax figures that have been paid to the international union since these locals were chartered.

Local 258, they have paid 15,164 individual tax payments. Does the committee understand what I mean when I say "individual tax payments"?

The CHAIRMAN. I think we do. What was the number. I did not get the number.

Mr. MOHN. 15,164.

Senator MUNDT. My understanding is that that means that there are fifteen-thousand-odd members and that is a per capita tax.

Mr. MOHN. No, that is not correct, Senator Mundt.

Senator MUNDT. Will you explain, sir, so that we do know what you mean?

Mr. MOHN. The international union charges 40-cents-per-member tax. This means there has been in this period of time that many individual payments for that many individual tax stamps.

Senator MUNDT. How does that differ from what I said, that this was a per capita tax and it represented that many members?

Mr. MOHN. It may not. One member could pay 2 months' dues, and it would show on our records as representing two 40-cent pieces.

Senator MUNDT. It does not mean there were 15,000 members?

Mr. MOHN. No, sir; it does not.

Mr. KENNEDY. On that one, when did that begin?

Mr. MOHN. I believe, Mr. Kennedy, that this began with the month of November. Now, I don't want to be held to that.

Mr. KENNEDY. 1955?

Mr. MOHN. Yes, 1955.

Mr. KENNEDY. Did you make any investigation at all to find out if any of these unions had any members, Mr. Mohn?

Mr. MOHN. I did not, personally.

Mr. KENNEDY. Now tell me, how could the merger——

Mr. MOHN. I would like to finish this.

Mr. KENNEDY. Our records show it did not begin in November of 1955, so if you are going to read some figures here, I think that they should be complete.

Mr. MOHN. They did not begin in November?

Mr. KENNEDY. No. We have the international records here, and actually there were no payments until January 12, 1956, and actually our investigation showed that it had no members at that time.

Mr. MOHN. Let me put it this way, maybe this will clarify it: Any payments that were made were made certainly not before November, and from November up until August 16, which is the latest figure I have.

Mr. KENNEDY. Well, August of 1956 is really the first time that any membership started to pay any per capita dues according to the records we have.

Mr. MOHN. I am not trying to make this reflect membership. I am trying to tell you that our records show that during this period of time, this is the amount of tax that they sent into our international union.

Mr. KENNEDY. We are not questioning, Mr. Mohn, that they did not have membership after July of 1956, because they did. They transferred their membership over from the UAW-AFL unions. This is perfectly right, they did get membership and then when their charters were lifted in February of 1957, they got more membership. There is no question but what they have been paying per capita dues.

But the big question is back in 1955 when you say these charters were granted, what membership did they have at that time, and how possibly could the merger convention affect the granting of these charters?

Mr. MOHN. I think it could. Now, let us get separated the question as far as membership is concerned.

If I recollect, and I don't look at the records down on the second floor too often, but if I recollect correctly there were some taxpayments made during November and December.

Mr. KENNEDY. We have them here, and there are none for the local that you mentioned.

No. 1, I would like to say this: We have established the fact that there were no members; and No. 2, your records down in the international show there were no members; and No. 3, when Mr. Hoffa came and requested that these charters be granted prior to the merger convention, that must have been because there was going to be membership coming into the teamsters, and you wanted to get them in prior to the merger convention. But that actually never happened.

Mr. MOHN. I don't think that the fact that the membership was going to come in prior to the merger was the important factor. The

important factor as far as we were concerned was that these organizations were already organizations in the UAW, chartered by the federation.

Now, whatever jurisdiction they had on those charter grants from the federation, and whatever organizing jurisdiction that might include, that was the important thing, and not whether they had 20 members or 200 members.

Mr. KENNEDY. Was there anything in any constitution that prevents the teamsters from setting up a local in New York City, establishing a local in New York City after the merger convention?

Mr. MOHN. Yes, we can do that; surely.

Mr. KENNEDY. What was the difference between establishing a local in November or in December of 1955, and establishing a local in February of 1956?

Mr. MOHN. At the time the charters were issued, we thought or we believed that there were members.

Mr. KENNEDY. That is the point, then, and now you are coming back. You had to have as a prerequisite the fact that they had membership: is that right?

Mr. MOHN. No, we did not have to have a prerequisite, and there isn't anything in our constitution that spells out how many members you have to have to grant a charter.

Mr. KENNEDY. I am not saying that. But if the argument that you had to have this, or had to have these locals granted prior to the merger convention is to hold up, these locals must have had to have membership.

Mr. MOHN. At least we must have thought that they had.

Mr. KENNEDY. Did you think that they had membership?

Mr. MOHN. Yes, I did.

Mr. KENNEDY. Who told you that they had membership?

Mr. MOHN. I don't know if anybody specifically told me.

Mr. KENNEDY. You mean to tell the committee that you granted these charters to individuals for locals, seven different locals, and you didn't even inquire whether they had any membership or not?

Mr. MOHN. I didn't tell the committee that, and I don't intend to tell the committee that. I am saying that these organizations as far as my knowledge was concerned, were former organizations affiliated with the UAW-AFL. I had every reason to believe, that that being so, they were going to transfer organizations over lock, stock, and barrel, including members.

Mr. KENNEDY. Were you told that?

Mr. MOHN. What?

Mr. KENNEDY. Were you told that?

Mr. MOHN. I can't say I was specifically told that.

Mr. KENNEDY. This was all an assumption on Einar Mohn's part and that is why these charters were granted?

Mr. MOHN. No. I think now you are trying to ask me questions that are a little unfair.

Mr. KENNEDY. I am trying to find out. Mr. Mohn, looking at the chart, these charters were granted to seven different groups of individuals, and they had no membership at all. Two of the locals, 295 and 275, came out of teamster locals.

Mr. MOHN. That is right.

Mr. KENNEDY. They split up, and there wasn't any merger problem there.

Mr. MOHN. That is correct.

Mr. KENNEDY. For the other five, there wasn't any merger problem for 651 because that charter was granted to an employee of a liquor store, who had never had any labor experience whatsoever. That was Nat Gordon. He never had any labor experience.

Mr. MOHN. If I recollect, he made the application for a charter, whoever made it, and that charter never functioned.

Mr. KENNEDY. You granted that charter to him, and with instructions—or gave later instructions that the officers of that local should be permitted to be seated so that they could vote in the election?

Mr. MOHN. I don't think we said they were to be seated so they could vote in the election. If they are affiliates of the international union, they must affiliate with the joint council if one exists in the area.

Mr. KENNEDY. So this is a man in local 651, and an employee of a liquor store, absolutely no membership, and you sent a telegram on January 9, 1956, that this is one of the locals that should affiliate with the joint council and, therefore, be permitted to vote in the election.

Mr. MOHN. You are assuming that I knew all of this when I issued the charter and I didn't.

Mr. KENNEDY. Did you just assume that 651 had membership, for instance?

Mr. MOHN. Yes, I assumed they had membership.

Mr. KENNEDY. What about 258, 269, 284, and 362, the last four? None of them had any membership until July of 1956.

Mr. MOHN. Now, I think there is a lot of difference between looking at this thing sitting here today, when it has been well publicized, advertised, and investigated and a lot of attention drawn to it, and knowing what we did about it at the time that the charters were issued.

The issuance of six charters in the International Brotherhood of Teamsters was not any tremendous, earthshaking thing to do.

Mr. KENNEDY. Mr. Mohn, either you were being imposed upon, either the international was being imposed upon, or you arrived at an assumption on which there was no basis in fact.

Either Mr. Hoffa told you that these locals were going to have membership or he did not. Now, if he did not, that means that you reached an assumption that had no basis in fact.

Mr. MOHN. I perhaps did. I may have reached an assumption that, looking back now at it with the knowledge you people have and that I have. I would not have reached. That is possible.

Mr. KENNEDY. When the question was raised on December 15—

Mr. MOHN. Let us try to keep this in context now. We are inquiring now as to the knowledge that was had of this prior to and at the time it was done. We are not discussing this now as to what you think about it or I think about it today.

We are talking about now, the facts as they were at the time that this took place.

Mr. KENNEDY. You granted 7 charters, Mr. Mohn, which you agreed were very valuable instruments, and you granted 7 charters and at least up to now it looks like you granted the 7 charters without any investigation of your own at all.

You granted them to seven groups of individuals that had no membership. Now, I am taking you up to December 15, 1955.

Senator McNAMARA. Getting back a little bit to the issuance of the charters, will you tell me the present status of the charter issued to local 295? Is it still in existence?

Mr. MOHN. Yes, it is.

Senator McNAMARA. Do they have a membership?

Mr. MOHN. Yes, they do.

Senator McNAMARA. Is it a subordinate body to 808, or is it an independent?

Mr. MOHN. It is an individual local union.

Senator McNAMARA. Then it is in existence and it is still operating?

Mr. MOHN. That is correct.

Senator McNAMARA. This McNamara that we had here is still with it?

Mr. MOHN. Yes, sir.

Senator McNAMARA. He is one of the officers of it?

Mr. MOHN. So far as I know, Senator.

Senator McNAMARA. Do I understand from your line of questioning quite a bit back, that you thought these charters were issued much after November 8, the date on the charter?

Mr. MOHN. That was my understanding, Senator.

Senator McNAMARA. Then we are to believe—

Mr. MOHN. The physical issuance of the charters did not take place until sometime toward the latter part of November. That is my understanding.

Senator McNAMARA. When you refer to the physical issuing of them, you said that you assumed that somebody came down.

Mr. MOHN. Mr. Chairman, I would like to raise one objection. I try to be very cooperative with the press, and I know a lot of them, and they are very fine fellows, but I can see no necessity for these people sitting right down here in front. Everytime I want to scratch my ear, they want to take a picture.

The CHAIRMAN. Your request is granted and the photographers will take no more pictures while the witness testifies.

Mr. MOHN. Thank you.

The CHAIRMAN. Proceed.

Senator McNAMARA. If they are not going to take any pictures, would there be any objection to asking them to move, because they are between me and the witness and perhaps they disturb us a little bit. That is, if they are not going to be taking pictures.

The CHAIRMAN. Move out of the line of contact, please.

Senator McNAMARA. The question I was asking you was this: You indicated that you believed the charters were issued after November 8?

Mr. MOHN. I did.

Senator McNAMARA. You referred to the belief that you have, some individual came down here and picked the charters up in Washington?

Mr. MOHN. I do.

Senator McNAMARA. Now, you use the term in answer to my question, "physical issuance of them." You are referring to the incident where the man came down and picked them up. You believe that was later than November 8.

Mr. MOHN. Yes, sir.

Senator McNAMARA. Much later? Was it weeks later?

Mr. MOHN. I would say at least 2 weeks later.

Senator McNAMARA. Is it customary to issue a charter as of the date on which the application was dated when the charter finally issued? Is it customary procedure to do that?

Mr. MOHN. I wouldn't say that you could find anything to substantiate that it would be or it wouldn't be. Many times we get a charter application sent to us in the mail. It may be 2 weeks or 4 weeks or 6 weeks or 6 months later before we decide to issue that charter.

Senator McNAMARA. But in this case——

Mr. MOHN. Then you can have the reverse of that. You may find a vice president or an organizer who will come to the office and he has already gathered up what he believes to be sufficient information, and the charter is issued and he may take the charter back with him when he goes back to his area.

Senator McNAMARA. In any event, you think that the charters generally bear the date of the actual issuance of the charter and not the date of the application; is that correct?

Mr. MOHN. No; I don't think that they necessarily have to do that. I think that in many instances, because especially when people are transferring from another organization they may have some physical reasons why they want a certain date to appear on that charter.

It may have to do with a contract expiration date, or it may have to do with several things that make it perfectly valid that they would want that date rather than the date that was actually made out or delivered from our headquarters.

Senator McNAMARA. As far as the date on this charter is concerned, even though you believe that it was subsequent to the date shown on the charters, you think this is not an unusual procedure?

Mr. MOHN. No, I don't; and I don't think that the difference between the 8th and what I believe to be the date they were delivered—and I tried to, at great length, inform the staff when they interviewed me on this question that that was so.

Senator McNAMARA. Who had the authority to issue charters? That is besides the general president?

Mr. MOHN. The general president's office has to approve the issuance of a charter.

Senator McNAMARA. And they are given in his name?

Mr. MOHN. That's right.

Senator McNAMARA. And he was the only one authorized? Does not the secretary-treasurer have the authority under your constitution to issue charters?

Mr. MOHN. I think the constitution, if you read it, literally says so, but it has not been practiced, and we are correcting that in the redrafting of our constitution because it is an administrative function, and certainly ought to be solely controlled by the person who is in charge of the physical administration of the organization.

Senator McNAMARA. I am asking you the question and probably I did not phrase it well. As of the date of issuance of this charter, did anybody other than the general president have authority to issue charters?

Mr. MOHN. No; we are not shirking that responsibility in the general president's office at all.

Senator McNAMARA. Do you know who issued these charters? You did not know it?

Mr. MOHN. I was not there when they were physically issued.

Senator McNAMARA. Was President Beck in Washington on that date, do you know?

Mr. MOHN. No, I don't think that he was, Senator, and I didn't check his calendar and I checked my own before I came down here.

Senator McNAMARA. Is Joint Council No. 16 a chartered body of the international?

Mr. MOHN. It is.

Senator McNAMARA. Do you know who issued that charter?

Mr. MOHN. Well, that goes back an awful lot of years.

Senator McNAMARA. Does it?

Mr. MOHN. Yes, sir.

Senator McNAMARA. It is an old institution?

Mr. MOHN. It certainly is. I wouldn't hazard a guess, but that goes back to the early days.

Senator McNAMARA. That would be prior to Dave Beck being president?

Mr. MOHN. Many, many years prior to that.

Senator McNAMARA. You used the phrase, "political issue," that this thing became a political issue in New York.

I take it that you are referring to union political issues and not political issue in the general sense of the word.

Mr. MOHN. I am not involving the mayor or the Governor.

Senator McNAMARA. Without involving the mayor or the Governor, there is a common interpretation put on "political issue," and you are talking about a union political issue; is that right?

Mr. MOHN. Yes; and there have been lots of them in joint council 16, believe me.

Senator McNAMARA. I am sure you want the record to show that you are using this phrase not in the general sense of a political issue, but union politics.

Mr. MOHN. That's right; internal politics.

Senator McNAMARA. I think that is all at that point.

Mr. KENNEDY. Just get back and following it through, let us assume that what you say is correct, that these locals did have membership at that time, and that is what you believed that these locals did have membership. What in the constitution is there to prevent these locals from transferring over after the merger?

Mr. MOHN. Well—

Mr. KENNEDY. What section of the constitution, AFL-CIO constitution prevents that?

Mr. MOHN. There is nothing to prevent them, but it would have to be a voluntary act on the part of that international union.

Certainly, the constitution provides and encourages the voluntary merger, amalgamation of organization, but on the other hand lacking that, their rights are certainly very specifically protected both as to the entity of the organization that existed prior to the merger, and this has been, at least to us, a very troublesome section of the new constitution, because nobody seems to be able to define it—it grants to them their organizational jurisdiction, whatever that means.

Mr. KENNEDY. Now, did you understand that the international would oppose these locals transferring over to the teamsters?

Mr. MOHN. I did not understand that. I had no information as to what the international might want to or might not want to do. I had no information on that.

Mr. KENNEDY. Well then, despite the fact that there was a merger of the AFL-CIO, if these locals wanted to transfer over in December 1955, and if that was the reason, when these locals wanted to transfer over in December of 1955 or January of 1956, or even after your joint council election, they could do so; could they not?

Mr. MOHN. Provided their national union had approved, and I would assume—and I am not an expert on this AFL-CIO constitution—I would assume that it would also imply approval by the AFL-CIO to be assured that two organizations would not get together and do so at the detriment of somebody else's jurisdiction.

Mr. KENNEDY. Did Mr. Hoffa tell you whether the international was approving or disapproving of this?

Mr. MOHN. He did not.

Mr. KENNEDY. He did not mention it?

Mr. MOHN. He did not mention it.

Mr. KENNEDY. Now, as I understand it, he did say that these officials of these UAW-AFL locals wanted to transfer over into the teamsters?

Mr. MOHN. I can't and I am not going to attempt to go back and reconstruct for you what was said on that particular day, because my memory is not that good. We did not discuss a great deal of detail in connection with these, and we were discussing the transferring over of organizations presently affiliated, with the exception of those that we split off from our own group, affiliated with the UAW.

Mr. KENNEDY. You said that you discussed the merger, isn't that correct, and you read three sections of it.

Mr. MOHN. Yes, sir; and we discussed the merger.

Mr. KENNEDY. You and Mr. Hoffa discussed it?

Mr. MOHN. We have discussed the merger and in the official family of the International Brotherhood of Teamsters for at least a year prior to its taking place, and we are not through discussing it yet.

Mr. KENNEDY. Mr. Mohn, when Mr. Hoffa spoke to you with these locals you discussed the merger, did you?

Mr. MOHN. Yes, sir; we did, and we discussed the merger.

Mr. KENNEDY. You discussed it in connection with these locals.

Mr. MOHN. Only to the extent that they should be transferred over prior to the merger so we would not have the problems that are contained in article 3, those sections which I read.

Mr. KENNEDY. Did that imply, therefore, that the international was going to oppose these locals from coming over?

Mr. MOHN. I don't say it implied they would oppose or approve. It was discussed.

Mr. KENNEDY. But if there was no problem of a merger, Mr. Mohn, as you say, unless the international is going to oppose, that is about transferring. And so, if Mr. Hoffa said to you, "We have got to do this before the merger," there must have been indicated to you or indicated to both of you, that this was going to be opposed by the international.

Mr. MOHN. I suppose, from an academic point of view it would appear very simple, but from a practical trade union point of view it

isn't that simple. There are always problems involved when you discuss mergers, and when you discuss jurisdiction.

Mr. KENNEDY. Well now, going beyond that, all that in fact was done in the granting of these charters was the giving of charters to former officials of the UAW-AFL; isn't that right? That in fact, is what was done.

Mr. MOHN. If I assume now the facts as you have stated them, that there was no membership there, that is in effect what happened.

Mr. KENNEDY. Looking back on it, is that what you expected would happen?

Mr. MOHN. No; it is not what I expected would happen at all.

Mr. KENNEDY. Coming up to December 15, 1955, Mr. Martin Lacey sent a telegram to you requesting the charter applications, to find out what the jurisdiction of these people was, and to find out the background of these people.

Could you tell us why you never sent those charter applications to Mr. Lacey in the joint council?

Mr. MOHN. Well, we held it up. We did not send them. As I said before, there was a big political controversy brewing in joint council 16. We had lived through a few of those before. It was always our experience that Lacey and O'Rourke over the years had many fights, and they would appear to outsiders to be very bitter fights.

But if you concerned yourself, or the international union concerned itself, in their fights, they quickly got together to protect themselves from anybody from the outside being concerned.

That has been the history of joint council 16. Just as a matter of information at our 1952 convention, when we all supported Vice President Hickey, including Vice President Hoffa who supported him, you had Lacey trying to elect O'Rourke in Hickey's place.

In this election that took place in joint council 16, you had Vice President Hickey supporting Lacey. Now, as I understand it, at least the delegates of Martin Lacey's local union, whether he himself is going to participate or not, have now turned around and they are going to support O'Rourke to defeat Hickey.

Now, we don't get too serious about politics up in joint council 16. We left them strictly alone.

The CHAIRMAN. Let me ask you one question at that point. The fact that they might be on different political sides at one time or another time they might support each other or be together—what does that have to do with withholding from the joint council records in the international office, to which it is entitled to a copy?

I would certainly assume that it is entitled to know who is chartered, and what locals are chartered in its jurisdiction.

Mr. MOHN. I think someplace in your files, Senator McClellan, you will find a telegram that was sent to joint council 16.

The CHAIRMAN. We have that telegram, which was sent something over a month I believe after the letter was written, about 5 weeks after the letter was written.

Mr. MOHN. It might have been that long.

The CHAIRMAN. We have that.

Mr. MOHN. I don't know the date.

The CHAIRMAN. But it did not throw very much light on the subject as to why the charters were not sent or any information given

about them. I just cannot see, with O'Rourke and Lacey fighting one time and not fighting the next, why the officials of joint council 16 were not entitled to have the information that you had an agreement with them they should have even before the charters were issued.

Mr. MOHN. I think the first issue that they were concerned about was that these people not be allowed to vote. We certainly acted expeditiously on that and they were not permitted to vote.

Contrary to some of the press reports that have come out of these hearings, that these are the people that elected O'Rourke, they did not vote.

Mr. KENNEDY. Well, they did vote. There is a question about whether they were counted or not, and they got into a lawsuit up there about them voting.

Mr. MOHN. They did vote, I stand corrected, and their ballots were not counted.

Mr. KENNEDY. Can we get back to my question, please?

On December 15, Mr. Lacey wrote a letter speaking for the joint council, and requested from you or from the international copies of the applications of these various locals.

Why didn't you send that to him? Why didn't you send copies of those applications to the joint council?

If the only question here, or the only reason you rushed it and bypassed the joint council, in November, and bypassed Hickey in November, was because of the merger convention why after that didn't you send them copies of the application?

Mr. MOHN. I don't know that I have any specific reason, except that we weren't in any hurry about it. If I recall the telegram was sent stating that there were too many charters for the membership involved, and I recommended that they ought to be consolidated and reduced.

Mr. KENNEDY. I understand and I am going to come to that, and you say that you have no explanation for not sending that information?

Mr. MOHN. I have no definite reason to give you why, and it wasn't done.

Mr. KENNEDY. Then, on January 9, 1956, you sent a telegram to joint council 16, and you said that you had found that the membership of these various locals was very small and you were contemplating consolidating them.

Mr. MOHN. That is right.

Mr. KENNEDY. Therefore, at that time, you must have made an investigation; had you not?

Mr. MOHN. I didn't need to, and we had taken the tax reports as they were coming in.

Mr. KENNEDY. The tax reports showed they didn't have any membership.

Mr. MOHN. I think that you will find that there were some members reported on the tax forms at that time. I believe so. I could be in error.

Mr. KENNEDY. Now as of the time, at the time you sent the telegram on January 9, did you have any membership? The first membership that is shown on here, at all, is January 12, 1956, which in fact is inaccurate, but you didn't have any membership on January 9, according to your own records.

Mr. MOHN. Then I must have found out from somebody that the membership was very small.

Mr. KENNEDY. Who did you find out from, Mr. Mohn?

Mr. MOHN. Mr. Kennedy, I couldn't tell you who gave me that specific information. I just couldn't tell you that. It might have been from any number of people.

Mr. KENNEDY. They requested the applications for charter and asked you to look into the matter and you didn't bother doing anything about that, and then you send them a telegram on January 9 and said you understand that the membership in these locals was small, but now you can't give any explanation where you found that information out.

Mr. MOHN. Someplace, and where the figure comes from I don't know at the moment. But someplace, the overall figure of 1,500 members in 6 local unions sticks in my mind. Where that figures came from, I don't know.

Mr. KENNEDY. I don't know, either.

Mr. MOHN. I don't, but that was the figure I had in my mind. I can't tell you where I got it.

The CHAIRMAN. Mr. Mohn, the Chair presents to you a ledger sheet, I assume that would be the correct title of it, and I understand it is an original out of the records of the international, and I would like to get you to identify that, if you will, and we will make it an exhibit so that we will keep a record here of what we are talking about and what we are questioning you about.

(A document was handed to the witness.)

Mr. MOHN. Well, I don't keep the records down there, and I am sure however that this is taken right from our files, and it looks like it is.

The CHAIRMAN. Thank you very much. That will be made exhibit No. 154 for reference.

(The document referred to was marked "Exhibit No. 154" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. We have these other locals here, Mr. Chairman.

For 269, the first membership is shown to be on the 13th of January.

The CHAIRMAN. Let me present these to you.

I present to you photostatic copies of the same records, apparently, for local 269, and ask you to examine that one, and see if you identify it.

Also for 284, 295, 275, and 262.

(Documents were handed to the witness.)

Mr. MOHN. I know the committee obtained these, and I am perfectly willing to agree that those are the records they obtained, and my identification would be worth very little.

The CHAIRMAN. They may be made exhibits 115-A, B, C, D, and E for reference.

(The documents referred to were marked "Exhibits No. 155-A, B, C, D, and E," for reference and may be found in the files of the select committee.)

Mr. KENNEDY. On January 9, you also said to Mr. Lacey that you were forwarding the copies of the charter applications, and you told him on January 9 that you would forward that information to him and to the joint council.

Have you ever done that?

Mr. MOHN. I don't think that it has been formally done yet.

Mr. KENNEDY. But that is 19 months ago.

Mr. MOHN. I didn't count it up, but it some time ago.

Now I think it is only fair to say when you ask that question, that it wasn't long following that that the whole matter became involved in litigation in New York, and there were charges flying back and forth between these two factions, and we just made up our minds to stay out of it until something jelled in New York.

The CHAIRMAN. It wouldn't have been a good idea to stay out of it and not condone it. Would it not have been a good idea to have withdrawn the charters?

Mr. MOHN. Well, we could hardly have stayed out of it, if we had withdrawn the charters.

The CHAIRMAN. I don't see how you could stay out of it, if you have the charters in existence.

Mr. MOHN. If the theory that the committee has been working on is that the charters were issued to help O'Rourke, we certainly would have been partisan if we had got into it at this stage of the game.

The CHAIRMAN. You were partisan when you got into it in the first stage of the game, if that is what it was for.

Mr. MOHN. It was not partisan as far as I am concerned.

The CHAIRMAN. I didn't say as far as you were concerned, but if that is the purpose of it to begin with, it is partisan to begin with. It was conceived in partisanship.

Senator MUNDT. Mr. Mohn, is there any minimum number of members that have to belong to a local union before you can get a charter?

Mr. MOHN. No, sir.

Senator MUNDT. Well, is it the policy of the international to grant a charter with the only members being the officers of the union?

Mr. MOHN. Yes, we have granted charters with only the charter members themselves were members, but we were trying to organize that particular group of workers, and there is nothing unusual about that.

Senator MUNDT. I am just thinking in terms of how this reflects itself in the votes, let us say, of an international convention, since you are going to hold one in September. Does a local get some votes in an international convention even though it doesn't have any members?

Mr. MOHN. The votes of a local union are based upon the tax that they have paid, over the period since the last convention.

Senator MUNDT. Let us take a hypothetical case, local 100, Omaha, Nebr. This is a hypothetical case. Five people in Omaha get together and apply for a charter and they make themselves president and vice president and secretary-treasurer and two trustees, and you grant them a charter.

Does that local have any votes at a convention such as you are having in September?

Mr. MOHN. They would have to have seven to hold a charter, Senator.

Senator MUNDT. All right—seven.

Mr. MOHN. If they had maintained that charter for a period of 6 months, they would be entitled to 1 vote.

Senator MUNDT. Now, if they were a regular union, and suppose they have 200 members—how many votes would they have?

Mr. MOHN. They are entitled to 1 vote for every 750 members or major fraction thereof.

And we have a membership of 1.4 million now, and so I don't think that these 6 local unions could, or is, going to influence the outcome at our international convention.

Senator MUNDT. I am just trying to establish in my own mind whether or not constitutional safeguards were needed in your organization, to prevent some international officers who might have competition from willy nilly offering to charter a lot of unions to perpetuate themselves. He would have to put in a whale of a lot of local charters.

Mr. MOHN. He would have to get an awful lot of them, Senator Mundt.

Senator MUNDT. That is what I am trying to find out.

Mr. MOHN. Yes, he would.

Senator McNAMARA. To your knowledge, Mr. Mohn, up to now, did anybody ever admit issuing these charters?

Mr. MOHN. Admit issuing them?

Senator McNAMARA. Yes. Has someone taken the responsibility for the physical issuing?

Mr. MOHN. I think I stated earlier that I am not going to shirk that responsibility. Those charters were issued out of the general president's office, and that includes me and the general president.

Senator McNAMARA. But you do not know whether you or the general president or the secretary-treasurer or somebody else did it?

Mr. MOHN. I don't think that that is too important. They would not have been issued if approval hadn't been given by the general president's office.

Senator McNAMARA. Then I take it that your answer implies that you do not think it possible that someone obtained these forms and filled them out without any authority from the international office?

Mr. MOHN. No. Nobody sneaked into the building under cover of darkness and walked off with the charters. That was not done.

Senator McNAMARA. I do not know why you say "sneaked into the building under the cover of darkness." I did not have anything like that in mind.

Mr. MOHN. I know. But nobody could have gotten them out of there without the approval of the general president's office.

Senator McNAMARA. One of the employees could not have taken them out and given them to somebody if they met them in a restaurant? That would be impossible?

Mr. MOHN. Well, I suppose a lot of things are possible. I don't think it would be very probable.

Senator McNAMARA. Did I understand correctly from what you have said that it is compulsory on the part of every local union to become a member of the joint council in their area?

Mr. MOHN. That is correct.

Senator McNAMARA. It is not optional with the local union as to whether they become, in New York City, part of joint council 16 or not?

We have had some testimony previously that indicated that they were not compelled to belong to joint council 16 and it came about in

connection with the issuance of charters around joint council 16, and they never did become affiliated with joint council 16.

Mr. MOHN. Well, our constitution, as I read it, and as it has been interpreted, provides that a local union, if a joint council exists in that area—you couldn't require a local union in Kansas City to affiliate with the joint council in Chicago. That would be physically impossible.

Senator McNAMARA. That is right.

Mr. MOHN. But if there is a joint council in the area, they must affiliate with the joint council. There is good reason for that.

Senator McNAMARA. Automatically, or do they have a specified length of time?

Mr. MOHN. I don't think that it is spelled out as to 30 days or 60 days.

Senator McNAMARA. Then this condition that I talked about, previously testified to, could actually be the circumstance in New York City? They might have had a charter for a local union and not have become affiliated with joint council 16 because of the time element involved?

Mr. MOHN. Well, I think that the big reason that these local unions didn't affiliate with the joint council up there is because the matter got into litigation, and everything was just left in status quo. If they had resolved their issues without going to court, there would have been an entirely different story written here.

I think, and this is supposition now, I am just thinking, I think instead of resorting to litigation, that they would have found an answer to amalgamating the membership that either was in these locals or that was going to come into these local unions into existing local unions, and at least eliminate the need for 6 or 7 charters to take care of this jurisdiction. I think that all would have come about.

But they elected to go into court and litigate the question.

Senator McNAMARA. In the normal process, however, there is no option with the local union. As soon as they get a charter, they are automatically members of the joint council?

Mr. MOHN. You say as soon as. That might be a reasonable period of time. But they must affiliate with a joint council in the area if one exists.

Senator McNAMARA. That is your setup?

Mr. MOHN. That is right.

Senator MUNDT. You say there is a good reason for that, Mr. Mohn. What is the reason?

Mr. MOHN. There is a very good reason for that, because a joint council has certain constitutional functions that it must perform, it is the joint council's responsibility to perform.

One of those is the question of trials and appeals from trials held in local unions. They must go to the joint council.

The other, and perhaps the most important function of a joint council, is that a joint council is the body that is constitutionally set up in the first instance to deal with jurisdictional problems that arise between local unions within that area.

Senator MUNDT. By joint council, is that meant to imply that it is a joint council representing all of the teamsters unions in the area, or is it all labor unions?

Mr. MOHN. No, when I refer to a joint council, it only represents our teamster unions in that area.

Senator MUNDT. It is a sort of umpire of disputes within the union?

Mr. MOHN. It has certain constitutional powers that are granted to it, and that is one of them, subject to appeal to our general executive board.

Senator MUNDT. In the city of New York, I suppose there is some other kind of joint council, is there not, that represents all branches of organized labor?

Mr. MOHN. They have a city "central body" or city "federation." I don't know what term they use in New York.

Senator MUNDT. There is no relationship between that and what we are talking about here?

Mr. MOHN. No. One of the big problems in New York, as long as you are talking about the joint council and its functions, is that the New York joint council has never functioned in assuming their responsibility to straighten our jurisdictional lines.

That has been one of our big problems up there.

There was no good reason why the UAW should get any organization work even started in this field. That was more properly our jurisdiction than theirs.

If our people had been doing their job in New York, in my opinion they would have been out there organizing these industries instead of letting somebody else do it.

The CHAIRMAN. Senator Ives?

Senator Ives. Mr. Mohn, I would like to ask you a question that may be a rather leading question. Are you acquainted with John Dioguardi?

Mr. MOHN. I have met John Dioguardi, Senator Ives, I think on four occasions.

Senator Ives. Have you ever had anything to do with him on those occasions, outside of just meeting him?

Mr. MOHN. I will be glad to tell you how I met him, under what conditions I met him.

Senator Ives. I wish you would, because Dioguardi seems to be the one that has caused a lot of this trouble up there.

Mr. MOHN. Well, I don't know Mr. Dioguardi. When I say, "I know him," I don't know him. I came out here in 1953, and I met Dioguardi for the first time in New York when there was a question arose as to whether the UAW should have jurisdiction over cabdrivers in New York or whether the teamsters should have it. I remember I went out with a group of the officers—at least that is what I understood they were—of the UAW's cabdrivers local union, and John Dioguardi was with them.

We took a little tour of the city. He showed me some of the places that they were organizing. They had one company out on strike. I don't remember the name of the company.

We went by that to see how many cabs they had tied up that were in the barn, saw the picket line, and then he drove me on out to the airport and I got on an airplane and came back to Washington.

Senator Ives. Was Mr. Hoffa with you at that time?

Mr. MOHN. No; he was not.

Senator Ives. What was the next time you met Dioguardi?

Mr. MOHN. I met him down in Florida, and I believe that this was during the winter. It was either in December of 1954—I think it was the winter of that year, anyway. They were having a jurisdictional dispute. One of the NAW locals was having a jurisdictional dispute with one of our organizations in New York, and Tony Doria and Johnny Dio spoke to me about it very briefly at Miami.

Senator IVES. Was Mr. Hoffa there?

Mr. MOHN. No, he was not.

Senator IVES. What was the next time you met him or had a conference with him, Dioguardi?

Mr. MOHN. I met him here in Washington at a restaurant with another individual. I happened to stay downtown for dinner with this other individual and we ran into him.

Senator IVES. What was the purport of your meetings with him? You indicated more or less what you had to say in the first one. What did you have to say in some of the others? Did you find him to be the kind of character that he has been found to be?

Mr. MOHN. No, not at the meetings I had with him. He could have been any labor representative from anywhere.

Senator IVES. You knew nothing about his record at that time?

Mr. MOHN. I did not.

Senator IVES. You did not realize he was getting your people into a lot of trouble up there? Did you?

Mr. MOHN. I did not.

Senator IVES. Thank you.

The CHAIRMAN. Gentlemen, let us proceed.

Let counsel develop the testimony a little further.

Mr. KENNEDY. Coming to January 9th, your telegram, and then Mr. Lacey's telegram back to you starts out:

Your chatty and interesting but belated telegram of January 9 with reference to our serious letter of December 15 last to Dave Beck, general president received.

We know how busy our international president is but when 125,000 members represented through this joint council make an important and significant request to him such as was done in our letter of December 15, we are puzzled why he does not reply so that constitutionally provided reviews, if necessary, can be followed.

Many of us here think that fraud and deception have been utilized in seeking charters from the international and there is even the possibility that a major conspiracy directed to the detriment of this joint council and of the international, may be involved.

As solid trade unionists we want to protect our members, improve their conditions and fight in the basic union way for the people we represent and do not want to be party to or subjected to the establishment of any clique or block control of manpower for intra- or inter-union politics.

Although suspicion has been aroused by your belated telegram, which you must admit is meaningless, but which we assume is intended to be kindly, we still must follow in the mandate of our joint council and demand as to the seven alleged charters which say were issued, the copies of the applications for such charters, per capita payments made, copies of the alleged charters which we assume will outline the "jurisdiction" purportedly granted, and the names and addresses of the individuals at whose behest said alleged charters have been issued. The joint council will continue to table applications of such alleged locals until there is a thorough examination, we hope with the cooperation of the international union, of the applicants.

Please therefore request our general president, Dave Beck, to comply with our letter of December 15, 1955, and furnish the information requested and indicated herein promptly, and at the same time, express the agreement which was made

with our council regarding the issuance of new charters a letter to this council dated June 16, 1954, should serve to refresh his recollection of this agreement.

MARTIN LACEY,

President, Joint Council No. 16 of I. B. T., 265 West 14th Street, New York, N. Y.

Here he makes, once again, a request for the seven alleged charters, copies of the applications of such charters, per capita payments made, copies of the alleged charters which we assume will outline the jurisdiction. Why during this period of time when you could see that they felt so strongly about it, Mr. Mohn, if there was any other reason other than to affect the election in New York, why wasn't this information forwarded to the joint council?

Mr. MOHN. Well, I don't know why Lacey had to resort to the formality of sending wires when, for a long period of time, he new——

Mr. KENNEDY. Mr. Mohn, I am not interested in how he got in touch with you. This is what he did. Why didn't you furnish him the information?

Mr. MOHN. Well, we elected not to at that time.

Mr. KENNEDY. Who is "we"?

Mr. MOHN. I think the general president was absent. I don't think he was around at that time.

Mr. KENNEDY. You decided, then?

Mr. MOHN. Pardon?

Mr. KENNEDY. You decided on your own not to furnish that information to the joint council?

Mr. MOHN. No. I think when the general president came back—I don't have the chronology, Mr. Kennedy—there was a wire sent which stated that he was willing to set up a committee to go into this whole matter in New York.

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. KENNEDY. That is later in February. I am talking about January 9, to the end of January.

First, the request had been made on December 15. The only answer that they got to that was your telegram of January 9, some 20 days later.

Mr. MOHN. Yes.

Mr. KENNEDY. In which you tell the joint council that regarding these locals they are in good standing with the international union and should be accorded all the rights and privileges of local unions in good standing. In other words, they should be permitted to vote in the election. They should affiliate with the joint council and be permitted to vote in the election. Then they renew their request of January 10 and you make no reply, at least until the end of January.

Can you tell the committee why, if the only reason was to beat the merger, why you never furnished any of this information during this period of time?

Mr. MOHN. I don't think what happened after the merger convention has anything to do with beating the merger.

Mr. KENNEDY. Why did you not furnish him this information?

Mr. MOHN. Well, we elected not to do it at that particular time.

Mr. KENNEDY. Well, now. Why?

Mr. MOHN. I have no other reason to give you except that it was a very confused situation in New York. You had an executive board

of the joint council that, by a majority vote, was acting one way and Lacey was acting the other.

Mr. KENNEDY. Mr. Mohn, they are not asking you to interfere. All they are asking at this time is for you to furnish the information, the basic information, which they had a right to, which you had agreed in June of 1954 that even prior to the time of issuing the charters you would give them this information.

Why, when they requested the information on December 15, and you didn't send it to them then for 3 weeks, and they requested it again on January 10, why didn't you furnish the information at that time, if your motive was other than to try to influence the election?

(At this point, Senator McClellan entered the hearing room.)

Mr. MOHN. I don't think that is a fair question.

Mr. KENNEDY. Then you tell the committee why you did not furnish the information to them.

Mr. MOHN. I don't want to have motives imputed to me by answers. You are certainly at liberty to ask any questions you want.

Mr. KENNEDY. Mr. Mohn, why did you not furnish the information?

Mr. MOHN. I have no specific reason in mind, Mr. Kennedy, except that as I understand it, the executive board up there was meeting quite often, and the majority of the executive board was going one way and Lacey was going the other. We probably just decided we would let them stew and find out what they were finally going to arrive at in New York.

Mr. KENNEDY. But not as of December 15, there was not one group going one way and another group going the other way, not as of January 9, when you sent the telegram. They had not split into two groups. It was not until the middle of January, or January 9, that they split into two groups.

Mr. MOHN. I don't know when they divided up their forces.

Mr. KENNEDY. Nevertheless, what they were requesting from you, Mr. Mohn, was not to interfere in the election. All Mr. Lacey was requesting from you was to furnish the basic information which they were entitled to. Can you give any basic explanation as to why you didn't forward that to the joint council?

Mr. MOHN. I cannot give you any specific reason why we felt we should not, except that we felt this was a good time to stay out of New York.

Mr. KENNEDY. Were "we" you and John O'Rourke?

Mr. MOHN. No.

Mr. KENNEDY. You and Jimmy Hoffa?

Mr. MOHN. No.

Mr. KENNEDY. Was it you and Dave Beck?

Mr. MOHN. Yes.

Mr. KENNEDY. The two of you decided?

Mr. MOHN. Yes.

Mr. KENNEDY. Was Mr. Beck in the country at that time?

Mr. MOHN. I don't think he was.

Mr. KENNEDY. Did you talk with him in an overseas call?

Mr. MOHN. Yes; I kept pretty close contact with him.

Mr. KENNEDY. Going on to the second, did you make any investigation of these charter applicants at all after Mr. Lacey charged there was fraud involved?

Mr. MOHN. No; I did not make any specific investigation.

Mr. KENNEDY. If you had made an investigation, Mr. Mohn, you would have found that some of these people whose names were on the charters never even knew that they existed. People were listed as president, such as Mr. Getlan, who never even heard of the local.

There was fraud imposed on the international or there was collusion between the international and some outside forces in fraud.

Mr. MOHN. There was no collusion as far as I was concerned. There was no collusion. You may arrive at any assumption that you desire to, and that is certainly the prerogative of yourself, as to why this was done. But I am telling you that there was no collusion as far as I was concerned.

Mr. KENNEDY. Looking back on it, Mr. Mohn, do you feel that the international was imposed upon in the granting of these charters?

Mr. MOHN. I don't think that that is necessarily pertinent or relevant, to get my opinion as to what it might look like at this long after the fact. We are discussing now the conditions that existed at the time, the specific times and places.

Mr. KENNEDY. Your testimony is that you knew nothing about what was going on in New York, you knew nothing about the applicants, you did not know the fact that these locals had no membership, all of these facts.

Now, looking back, and these factors have since been developed, do you feel that you and the international were imposed upon in the granting of these charters?

Mr. MOHN. Well, might I presume to rephrase the question? If you were to ask me if I knew that there were no members in a local union, and if I knew that officers were officers of questionable character, would I approve the granting of a charter? The answer would be "No."

The CHAIRMAN. Then do you feel now that there is question about those things, such that you would not have granted the charter if you knew what you know now?

Mr. MOHN. Pardon? I would say, Senator, that hindsight is generally always better than foresight.

The CHAIRMAN. I can appreciate that. You were reluctant to say that the international had been imposed on. It does occur to me, and I do not know about the other members of the committee, it occurs to me that the international was seriously imposed on or the international entered into some kind of collusion or agreement there to issue these charters for a purpose that I do not think you would be very proud of.

Mr. MOHN. Is that a question?

The CHAIRMAN. Yes, sir; I can make it one.

Is that your view of it?

Mr. MOHN. My view of it is that if I had an application for a charter come into my office and I knew that there were no members in that organization, and that there were people that were unknown to us, people of questionable character, that I certainly would make it my business to find out who they were and under what circumstances, before I would approve the granting of a charter.

The CHAIRMAN. Would you not feel that the very fact that it came under those circumstances was an attempt to impose on the international union?

Mr. MOHN. I don't like to feel about it after the fact. I think we are concerning ourselves with the facts.

The CHAIRMAN. I am wondering why you did not feel about it or find out about it before the fact, as the facts developed. That is our situation. We are trying to get this thing straightened out to get the truth of the matter as to what happened, why was this information withheld from the organization entitled to have it. You cannot tell us that. You have no reason why. You just do not know.

There are circumstances here that raise questions as to why they were withheld, why they were ever issued in the first place, under the strange circumstances of their issuance.

If you can help us, every little bit that you can say, that you know, that you will testify to, that will help us, will be appreciated.

Mr. MOHN. The only and the best answer I can give you is that at that particular time, sitting in the office, taking a look at the whole situation, the office felt that the best thing to do was to keep as far away from becoming involved in the situation in New York as we could until something had started to clarify itself in the New York area. That is the best answer I can give you, Senator.

The CHAIRMAN. You couldn't stay away. You were already in it. I don't see what you mean by staying away, when you granted the charters. They were there, they were in controversy. I don't see what you mean by staying away. I can't understand it. You had a duty in the matter.

Mr. MOHN. That is the way we saw it at that time.

The CHAIRMAN. We who? You and Mr. Beck?

Mr. MOHN. That is right.

The CHAIRMAN. Did you order these charters issued?

Mr. MOHN. Pardon?

The CHAIRMAN. Did you personally order these charters issued?

Mr. MOHN. Mr. Beck approved the issuance of charters in New York.

The CHAIRMAN. Then you ordered them issued. He was out of the country; is that right?

Mr. MOHN. Yes. I said before that I assumed full responsibility. I didn't shirk that. I didn't shirk that at all.

The CHAIRMAN. Senator Mundt?

Senator MUNDT. Mr. Mohn, I assume that you are trying to run or administer an honest labor union; is that right?

Mr. MOHN. I certainly am, Senator.

Senator MUNDT. And I assume that the best interests of the laboring man who pays the dues is the chief concern that you have as international vice president; is that right?

Mr. MOHN. That is correct.

Senator MUNDT. I want to ask some questions of you, and I assure you in these questions, Mr. Mohn, that I am not trying to trap you, I am not trying to embarrass you, that none of the questions that I am going to ask you directly or indirectly refer to Mr. Dave Beck.

With that background and understanding, I want to ask you some questions about your attitude toward local union leaders who are charged with corruption or fraud, or who have been indicted or convicted, and when brought before this committee and questioned about their custodianship of the funds of the union, take the fifth amendment.

I would like to ask you directly what, if anything, your organization expects to do concerning one Mr. McNamara, who is still an

officer of 808 and 285, and who stood before this committee, or sat where you now sit, and took the fifth amendment consistently.

Do you think that you have some obligation to the membership of your union to take some action in a case like that?

Mr. MOHN. I think that we have constitutional procedure in our constitution that says that question, Senator Mundt.

Senator MUNDT. In what way?

Mr. MOHN. In what way?

Senator MUNDT. Yes.

Mr. MOHN. I think that the people in his organization have the right to prefer charges against McNamara if they have reason to believe that what you have stated here is correct.

Senator MUNDT. Assuming that what I have said is correct, do they have the power as well as the right to remove an officer who has shown himself guilty of misconduct in that matter? Would it be considered a healthful and wholesome thing for any individual member of that union to do, to get upon the floor and present such charges?

Mr. MOHN. Well, I don't know why it would be unwholesome for a member, if that member had information, as you have stated—and I know nothing about McNamara's personal problems. I heard when he was before this committee that it was announced that he was under indictment for some matter up in New York.

Senator MUNDT. For extortion, with Johnny Dio.

Mr. MOHN. I think you have to keep in mind that an indictment is something else. Being guilty of wrongdoing is something else.

Senator MUNDT. True. But an indictment is an official accusation of guilt on the part of the Government. That isn't a rumor anymore. That is the first step.

Mr. MOHN. It may not be a rumor, but there have been cases where people have been indicted and they have not been found guilty.

Senator MUNDT. That is true.

Let's take Joe Curcio, who is secretary-treasurer of 269. There is a man who has not only been indicted, but, as the chart clearly shows, has also served a considerable amount of time in Danville. He has been convicted. He has been imprisoned because of the activities in which he has been engaged, and he took the fifth amendment.

Does the international union assume some responsibility to protect its dues-paying members against that kind of local union leadership?

Mr. MOHN. Well, I didn't know anything about Curcio. I don't know Curcio. I didn't know anything about his background and record until it was brought out here in this committee.

Senator MUNDT. I am prepared to believe that. As I say, I am not trying to embarrass you. I am simply trying to establish now, for the benefit of the millions of teamster members around the country, who are good, honest, paying citizens, hard-working men trying to support their families, and who have confidence in their international leadership, whether from that international leadership we can find that you have, No. 1, the desire, and, No. 2, the power to do something to protect them against having gangsters running their unions who are deeply involved that when they come before a committee of Congress they even take the fifth amendment when you ask them whether they are American citizens, or whether they are married, whether they stole the union funds.

In other words, what I am trying to find out, in brief, Mr. Mohn—

Mr. MOHN. What you are trying to find out is my personal reaction to this.

Senator MUNDT. Precisely.

Mr. MOHN. All right. Let me state it this way, Senator Mundt. As far as I am concerned, if the things that have been charged about these people are facts, if they are guilty of the things that they are charged with, then I don't believe that they have any place in the trade-union movement. I don't believe that.

Senator MUNDT. Good.

Now, going from that point forward, does your international organization have a mechanism of some kind to do something about it if they are found guilty?

Mr. MOHN. Yes. We have it, certainly, provisions that provide for charges, for hearings, for fines, for suspensions, for expulsion.

Senator MUNDT. Are they provisions which enable you people at the top, who have a comparative degree of security, to do something about them, as opposed to the poor local teamster who stands up and makes his charge before he gets hit over the head?

Mr. MOHN. Well, you are making some rather fantastic assumptions here.

Senator MUNDT. Not according to—

Mr. MOHN. You see, Senator, we have a real conflict of interest here, even in dealing with the Congress of the United States, because sometimes the Congress would like to vest a great deal of authority in the topside leadership of labor unions, and then on the other hand they work very diligently at democratizing the rank and file, as they call it, so that there shall not be vested in the topside of labor leaders any great amount of authority. You can't have it both ways, evidently.

Senator MUNDT. Which way do you want it?

Mr. MOHN. I would like to see the membership have as much authority as they can have.

Senator MUNDT. You are, of course, aware of the actions taken by the CIO-AFL ethical practices committee—

Mr. MOHN. I am.

Senator MUNDT. To try to do something within their union toward meeting problems of this kind.

Mr. MOHN. Not only within their union, but to try to do something within the labor movement. We are part of that too.

Senator MUNDT. That is right. Do you, as a teamster international, have some corresponding mechanism, either in being or in mind, to do something about these conditions, which I am prepared to say you didn't realize until this committee got to work on it?

Mr. MOHN. I happen to be—

Senator MUNDT. Here is what we are up against, Mr. Mohn. George Meany testified that they had this ethical practices procedure, but that they were comparatively powerless to get results unless the component parts of the labor movement took a corresponding action. You are a component part. I want to find out what you would do, if anything, to implement the ethical practices standards established by the CIO-AFL.

Mr. MOHN. Well, every 5 years in the past—the recommendations of the AFL-CIO ethical practices committee is that it be changed to every 4 years for the future—we hold a national convention. The only time we can change our constitution is at a convention.

I am chairman of the constitution committee that has been meeting and will meet prior to our convention.

Senator MUNDT. I am talking to the right fellow.

Mr. MOHN. You are.

Senator MUNDT. Good.

Mr. MOHN. I can assure you that we have given a great deal of serious thought, and I am satisfied we will draft a constitution that will more than meet the provisions that are expressed in the ethical practices code.

Senator MUNDT. I don't think there is the conflict of interest quite there, Mr. Mohn, that you imply. I am one of the members of the committee who has said many times, I think, that if Congress can help establish stronger democratic procedures on the part of the trade-union movement, that in the main trade-union members will clean up anything which gets out of hand.

But it is not just like an elected or appointed official in Government. The voters can take him out eventually, but in the interim if somebody gets caught with wrongdoing you have the Department of Justice, you have law enforcement procedures. You don't simply sit back and say, "Well, the people will get rid of that crook," if it is a bad case.

I think Curcio is a bad case. In the case of some of these witnesses who have appeared before us, with unsavory prison records, who hold official positions in labor unions—you didn't elect them, you didn't know they would be there when you signed the charter but they are there—I think you have a responsibility in the interim to act from the top.

I don't think that vitiates the concept of having democratic procedures in labor unions.

Mr. MOHN. I don't say that we don't have responsibility as officers of the national union, but I also say that I believe—I honestly believe—that the best way, and it may not be quite as expeditious, the best way is to follow the procedure that has been established by the delegates from these 830 or 840 local unions themselves at their conventions, where they have spelled out how they believe, and made it part of our law in our organization, that these matters should be handled.

We have gone the other way on a few occasions and we have not always turned out too happily, where we just reached in and made decisions from the top.

As I say, it is efficient, sometimes, but it doesn't always prove out over the long run to be the best procedure. It may be the most expeditious. That is not trying to duck the question that we are—

Senator MUNDT. You agree that the kind of situations that this committee has been discovering indicates that there is room for both procedures to apply: sometimes perhaps to require one, and sometimes, perhaps, you can wait until you have an election to correct something.

Mr. MOHN. Senator Mundt, there is nothing to prevent our people in our joint council in New York, who certainly are living right alongside of this situation, from doing something about it and making it an offi-

cial act, if it needs doing. There is not anything in the world to prevent it from doing that.

Senator MUNDT. There is this to prevent it. If the sequence of events placed before this committee indicates what it seems to, they would be prevented from within because of this group of paper charters and the rest that moved in to influence the selection of the officers of joint council in order to select members who would deliberately do nothing about it.

Mr. MOHN. You have organizations in New York that have been chartered back in the early 1900's. Many of them are still there. I am not going to be sold on the theory that 5 or 6, as you designate them, paper charters, are going to step in and take control over our well established organizations in New York. I think some of them in New York are as fine as you will find anyplace in the country.

Senator MUNDT. I don't doubt that a bit. Five or six could represent a block of votes—of 35 or 42 votes, which is a considerable block of votes in a meeting of that kind.

The evidence we have before us at least seems to indicate that unknown to you, as you have testified here, the reason why these paper charters were sought in the first place was for the purpose of electing officials of joint council 16 who would not frown upon corruption in the local unions.

You don't know why they were sought. You accepted them at face value. Our responsibility is to try to find out whether or not there was some pernicious purpose in the first instance in coming down in this unusual manner with the unsigned charters to get the votes.

You did stop them from voting.

Mr. MOHN. Right.

Senator MUNDT. But that doesn't prove or disprove whether there was a pernicious purpose involved in the first instance in seeking the charter. If anything, it tends to confirm it. At least, I think you acted wisely when you said, "Well, we will put those votes on ice and not count them."

But it does indicate why there must at least be some authority from the top to correct the situation.

Let us assume that you had not stopped the vote. Had you not stopped the vote in that election, we now know from the facts that the votes of these paper unions would have changed the results of that election.

That is correct, is it not?

Mr. MOHN. It is, if you counted the votes. As I understand it, it was overwhelmingly in favor of O'Rourke.

Senator MUNDT. Had they counted the votes.

Mr. MOHN. Yes. I say you counted the votes here.

Senator MUNDT. Yes. The vote was so close that the counting of the impounded ballots would have changed the results.

Mr. MOHN. Right.

Senator MUNDT. So the whole pattern and purpose of the plot would have come into being except for the fact that your office did stop the counting of the votes.

If you had not interceded, then you would have created a mechanism in the city of New York which we believe would have tended to perpetuate these gangsters instead of tending to expose them. That is

why I say I think you need something to operate effectively at the top of your organization with the standards established by the ethical practices code.

You tell me you are going to recommend such change in your constitution.

Mr. MOHN. The constitution can certainly take care of it. I will, as an individual, continue to recommend that whatever membership is there, that it ought to be consolidated into a reasonable number of local unions, grouped as efficiently as they can be grouped to take care of their needs. I believe that. I believed it then and I still believe it.

Senator MUNDT. To get right down to the meat in the coconut, Mr. Mohn, and talking to you now as the chairman of the constitution committee, do you plan to recommend to your convention in September that you follow the pattern set by the ethical practices committee of the CIO-AFL and provide that those officials of local unions who take the fifth amendment shall be ineligible to continue as officials of the labor union?

Mr. MOHN. I think you are a little bit in error, Senator Mundt. The question of taking the fifth amendment was never made any part of the code of the ethical practices committee.

Senator MUNDT. It wasn't?

Mr. MOHN. It was not.

Senator MUNDT. Tell me what they did say.

Mr. MOHN. The question of taking the fifth was a motion adopted by the executive council at its meeting. I understand that they are in the process of some modification on that question, from the information I get from their last executive council meeting in Chicago.

Senator MUNDT. It was adopted unanimously, with the sole dissenting vote of the teamsters, was it not?

Mr. MOHN. We voted against the original motion as presented at Miami. Correct.

Senator MUNDT. You were the sole dissenter?

Mr. MOHN. Correct.

Senator MUNDT. And that motion did provide that those taking the fifth amendment should be ineligible to continue as officials?

Mr. MOHN. I don't think it was quite as pat as that, but I think that that generally is correct.

Senator MUNDT. The word is "good," Mr. Mohn; not "bad."

Mr. MOHN. I said "pat."

Senator MUNDT. I thought you said "bad."

Mr. MOHN. No.

Senator MUNDT. I am sorry. But in general that is what it was.

I think we asked Mr. Meany if that included a man who simply took the fifth as to protect something in the local union. I think he said it went right across the board.

Mr. MOHN. The best information I can give you is that the reports I get from the Chicago meeting, and I wasn't there, the last meeting of the executive council, is that there is some change. How basic it is going to be, I don't know, in that original motion that was adopted at Miami.

Senator MUNDT. Thank you.

The CHAIRMAN. Senator Kennedy?

Senator KENNEDY. Mr. Mohn, as a member of the executive board, do you know whether any action has been taken against any of the people who appeared before this committee who took the fifth amendment, No. 1, or those who have been indicted, or those who have been convicted? Has action been taken in any formal nature against any one of the teamster officials appearing before this committee would have fallen into one of those three categories?

Mr. MOHN. No.

Senator KENNEDY. That is, taken the fifth amendment, been indicted, or has been convicted.

Mr. MOHN. Up to now, Senator Kennedy, there has been no action taken.

Senator KENNEDY. Do you know if any is planned?

Mr. MOHN. Well, I don't know if any is planned.

Senator KENNEDY. You don't know of any?

Mr. MOHN. No, I do not.

Senator KENNEDY. And what is your title?

Mr. MOHN. I am a vice president, and I am the executive assistant to the general president.

Senator KENNEDY. And you are the chairman of the constitution committee for the next convention.

Mr. MOHN. Right.

Senator KENNEDY. To the best of your knowledge, the teamsters union, the officials, the leadership of the teamsters, is not planning, at least to your knowledge has not planned until now, any action against any of the men who have fallen into those three categories?

Mr. MOHN. To my knowledge, no.

Senator KENNEDY. Do you feel they have any responsibility to do so? Do you feel that you do, Mr. Mohn? We have some people here who have been the presidents of these locals, officers of these locals, who have refused to tell what they have done with union funds. They have been indicted, and some have been convicted.

You say yourself now that you know of no action being taken against any of them. Would you tell me whether you feel that that is meeting your responsibility?

Mr. MOHN. I don't think that I would like to express an opinion on the matter. I would certainly say this, that if it involves one of the vice presidents, that there is opportunity for charges being preferred against an officer. If it involves a local union official, the action should start at that level against those officials.

There have been no charges preferred at the present time, to my knowledge, before our board.

Senator KENNEDY. What about Sidney Brennan? Is he an international vice president?

Mr. MOHN. He is a vice president of our organization.

Senator KENNEDY. Has he not been indicted for taking a bribe?

Mr. MOHN. I think he was convicted.

Senator KENNEDY. Convicted of taking a bribe. What action has been taken against him?

Mr. MOHN. There has been no action taken up to now.

Senator KENNEDY. Do you mean there has been no action taken? How long ago was he convicted?

Mr. MOHN. I think it was sometime early this summer when his last appeal was before the United States Supreme Court.

Senator KENNEDY. What action is contemplated, Mr. Mohn?

Mr. MOHN. I don't know. My answer to that, the best answer I can give you, Senator Kennedy, is that we are sitting on the eve of a convention, and I suppose if anybody contemplated the preferring of charges, it would be rather a moot thing to do because that question would be before the convention anyway.

Senator KENNEDY. In other words, Mr. Mohn, you, yourself, have done nothing about it?

Mr. MOHN. I have not.

Senator KENNEDY. You haven't interested yourself in the matter?

Mr. MOHN. That is a different question.

Senator KENNEDY. Have you interested yourself in it?

Mr. MOHN. I am always interested in that.

Senator KENNEDY. Into what channels has your interest taken you?

Mr. MOHN. I think it is a question now where the convention itself ought to settle it. We are within weeks now of a convention and that is a good place to settle it.

Senator KENNEDY. You yourself are doing nothing to settle it so that Mr. Brennan is removed, are you?

Mr. MOHN. I have not.

Senator IVES. Following Senator Kennedy's questions, I would like to ask Mr. Mohn one question.

What would you think, Mr. Mohn, of having a provision placed in the Taft-Hartley Act of making it unlawful for anyone who has a prison record of any kind to hold office in a labor organization?

Mr. MOHN. Well, I don't think that I am expert enough on that subject, Senator Ives, to offer any opinion. I have known in my lifetime some individuals who were unfortunate enough to have been convicted and to have served their time and who have come out and who have become very wonderful people. I don't think that I would want to offer any opinion and pose as an expert on that subject.

Senator IVES. You wouldn't figure that having an official position in a labor organization of any kind was the exact spot for rehabilitation of a person like that, would you?

Mr. MOHN. On the other hand, I wouldn't want to just make a blanket statement that any individual who may have served time, regardless of the circumstances, or how long ago it was, should be forever foreclosed from doing that. I wouldn't go that far with you.

Senator IVES. The reason I raise that question is we have come across a number of cases where persons that have had such records subsequently held official positions in labor organizations and have caused considerable trouble.

Mr. MOHN. Well, I think that is a pretty sweeping thing you are suggesting.

Senator IVES. I merely asked you the question to get your reaction.

Mr. MOHN. I can think of a lot of walks in life if you were to apply the same rule you would have—

Senator IVES. I will be perfectly frank with you. When the Taft-Hartley Act was framed, that question came before us, and we took the same position in the matter that you are taking now. But this investigation that we are making is causing some of us to reconsider and review what we have done to see if we did the right thing. That is why I am asking you the question.

Mr. MOHN. I think the matter of review is good, but to make a statement that would put me on record as saying that it is my belief, I don't want to do that.

Senator IVES. I do not want to cause you any embarrassment.

Mr. MOHN. It is not embarrassment at all, not in the slightest degree, any more than it would be embarrassing if you were going to discuss if a person who has been convicted or an individual that has been convicted should be eligible to serve in the Congress of the United States. It is no more embarrassing than that.

Senator MUNDT. Mr. Chairman, following up on what Senator Ives said, we have provisions in this country, that certain kinds of criminals are considered so dangerous to society that they are not permitted to vote.

Would you think that perhaps a provision might be included in legislation that in those cases where time servers are considered so bad that they are not permitted to vote, that they would not be considered good enough to be officials in labor unions?

Mr. MOHN. That would certainly be a much more reasonable approach to it than the general overall inclusion.

Senator MUNDT. I quite agree with your reservations about the average fellow. If you believe in the doctrine of redemption and that people can improve, you would not want to foreclose an ex-criminal from becoming a good citizen.

Mr. MOHN. I can remember, Senator Mundt, in some days gone past where I found a secretary-treasurer of a local union who had just a little difficulty in counting his money and ours. It never was too serious, but he just had a little problem. If you removed him from that place and you put him out in the field as a business agent, he did a good job.

Senator MUNDT. That is right. But it seems to me that we are getting into an area here where you make some discrimination, and that where society as a whole the country to which you and I belong, to which we give devotion and allegiance, has decided that a fellow should not be permitted to vote, it might not be inappropriate to say that where a man's criminal record is such that he is not permitted to vote, it is also such that he should not be permitted to hold a responsible position in a labor union so that he, in turn, jeopardizes not only society as a whole, but the honest, dues-paying member who, after all, has a right to expect and receive decent union leadership.

Mr. MOHN. I think that is certainly much more, as I said before, a reasonable approach to it than to just shut the gate in everybody's face.

Senator MUNDT. Thank you.

Senator KENNEDY. Mr. Mohn, it seems to me that it would not be necessary for us to discuss writing a blanket law that somebody who has been convicted of a crime should not be permitted to hold a position. There may be cases where a man might have rehabilitated himself. It seems to me that the obligation in the first place is on you and the other officials of the teamsters, to do something about these local officials who come in here and take the fifth amendment when we ask them about handling union funds. Your statements of failure to demonstrate any action that has been taken by the teamsters necessitates our attempting to do something which is not nearly as effective.

I would like to know why it is that you as a responsible official of the

teamsters could not indicate in the strongest terms your disapproval of these responsible officials who come before us and take the fifth amendment when we ask them what they have done with union funds.

Mr. MOHN. I think I did earlier. I think I put myself on record on that question. I said that as far as I was concerned that if these individuals, if what has been stated here about them, if those are the facts, that as far—

Senator KENNEDY. Are you conducting an investigation to find out if these are facts?

Mr. MOHN. As far as I am concerned, I don't think they ought to be union officials. That is what I said.

Senator KENNEDY. Do you feel that if somebody comes in and takes the fifth amendment on what he did with union funds do you think he should be a union official?

Mr. MOHN. I am not going to comment on how people take the fifth amendment. First of all, I am not a lawyer. I don't understand all about it.

We took a position as the teamsters organization that for the act itself, as the lawyers say, for the act, per se, of taking the fifth, we didn't feel that that should deprive a person of anything that he had.

Senator KENNEDY. Mr. Mohn, do you feel that if a man takes the fifth amendment, that an investigation should be conducted?

Mr. MOHN. I think that if a man takes the fifth amendment over a question that has involved the handling of the membership's funds, that certainly it shouldn't stop there.

Now, let me pose a problem. Let us say that a fellow comes before a committee that we set up for that purpose, 5 or 6 individuals, and the fellow comes in and he really bares his soul, he tells this committee everything in the world, and when he has told them everything in the world the committee is convinced that he had a valid, good reason for taking the fifth.

But one of the conditions that he certainly wants to make plain is that he doesn't want the reasons that he is taking the fifth to be circulated generally and become public knowledge and public property.

How does that committee protect itself from being subpoenaed before some investigative body and then be asked why did this fellow take the fifth?

Senator KENNEDY. Mr. Mohn, in other words, that is the reason that the teamsters will not suspend any official who takes the fifth?

Mr. MOHN. I didn't say that. You said that.

Senator KENNEDY. What I am asking, then, is why an investigation is not being conducted into these officials who have taken the fifth amendment on whether they mishandled and misappropriated union funds. Is such an investigation being planned?

Mr. MOHN. Well, this has all been developed, as you know, rather recently.

Senator KENNEDY. Well, have you heard of any investigation being planned?

Mr. MOHN. I haven't heard of any investigation being planned. I have heard that we are going to hold a convention and there are a lot of things that are going to come up before the convention.

Senator KENNEDY. Mr. Beck's fifth amendment goes back to March.

In other words, we cannot look, up to this date, on the leadership of the teamsters to do something about presidents of locals or the president of the international, who come in here and take the fifth amendment as to their actions with regards to union funds; is that correct?

Mr. MOHN. Well, I think that is an opinion that you are expressing. Senator KENNEDY. If it is wrong, let me know why.

Mr. MOHN. You have a right to it.

Senator KENNEDY. In what way am I wrong?

Mr. MOHN. I don't say you are wrong. You have a right to that opinion.

Senator KENNEDY. Is it a fact or just an opinion?

Mr. MOHN. Up to now we have not instigated any investigation. I said that before. That is correct.

Senator KENNEDY. That is right. Now, is an investigation being planned? I just want to find out whether you are going to attempt to meet the problem or whether you have to expect that the Congress is going to attempt to go into the field, which, of course, is not as desirable. I would much rather see the teamsters take action.

Mr. MOHN. So would I. I would rather see the labor movement take its own action.

Senator KENNEDY. The AFL-CIO did take a position on this fifth amendment. The teamsters voted against it. I assumed they were going to handle it on their own. I asked you what actions you were going to take, and you have not given any indication that they were going to take any action.

Mr. MOHN. They have not taken any action up to now.

Senator KENNEDY. It is about time.

The CHAIRMAN. Now we will let the counsel interrogate for awhile and maybe we can get through this afternoon.

Proceed.

Mr. KENNEDY. On the question of McNamara, as I understand it, going back chronologically, November 4—

Senator McNAMARA. Say "John McNamara."

Mr. KENNEDY. John McNamara.

On November 4 or thereabouts, Mr. Hoffa spoke to you about giving charters to these various individuals. Subsequently, John McNamara came down and picked up the charters, is that right?

Mr. MOHN. That is my understanding.

Mr. KENNEDY. Who gave the instructions that these charters should be prepared when McNamara came down?

Mr. MOHN. I probably did.

Mr. KENNEDY. Did you have a further conversation with Mr. Hoffa, who told you McNamara was going to pick the charters up?

Mr. MOHN. No, I don't think I had any further conversations with Mr. Hoffa. I think McNamara spoke to me. We established an office at the Statler Hotel the week preceding the AFL-CIO convention. I arrived there on Saturday a week prior to the convention.

Mr. KENNEDY. Can we find out what date that is?

Mr. MOHN. I can give it to you right here.

Well, it doesn't indicate the day of the week.

Mr. KENNEDY. What day of the year?

Mr. MOHN. 1955.

Mr. KENNEDY. Yes; but what date? The convention started December 5, as I understand it.

Mr. MOHN. I was in New York, I think—Thanksgiving came on the 24th. I was in New York the 26th of November.

Mr. KENNEDY. You say McNamara picked up these charters after that?

Mr. MOHN. That was my understanding.

Mr. KENNEDY. Mr. Mohr, that couldn't possibly be true, because they were out looking for a headquarters, for instance, on November 25.

Mr. MOHN. I know. I went over this with your staff before, and all I can tell you is what my recollection and memory of it is. That is what I understand. He went down during the week prior to the merger convention, on Wednesday or Thursday, and picked up these charters. That is my understanding of it.

Mr. KENNEDY. Who would have more information about it? We have information here that they were out selecting a headquarters, for instance, on November 25, and that Miss Teresa Hanlon, who handled the charters out of John English's office, said that to the best of her recollection and the notes she put on there, that those charters were put on November 8. We have her here in the room and can have her testify now or later.

Mr. MOHN. I am not going to question what she states. I am giving you my honest recollection.

The CHAIRMAN. Miss Hanlon, come forward please.

(Members present at this point: Senators McClellan, Ives, McNamara, and Mundt.)

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Miss HANLON. I do, sir.

TESTIMONY OF TERESA HANLON

The CHAIRMAN. State your name, your place of residence and your employment please.

Miss HANLON. My name is Teresa Hanlon. I live at 1500 Massachusetts Avenue NW., and I am a secretary in the office of John F. English.

The CHAIRMAN. Secretary——

Miss HANLON. To Mr. Casey.

The CHAIRMAN. To Mr. English?

Miss HANLON. No. To Mr. Casey.

Mr. KENNEDY. Mr. Casey?

Miss HANLON. Casey.

Mr. KENNEDY. And he works out of the office of Mr.——

Miss HANLON. English.

The CHAIRMAN. Have you talked to members of this staff and know generally the line of interrogation to expect?

Miss HANLON. Yes, sir, I have.

The CHAIRMAN. You folks get a picture or two, if you want, and then let us desist.

You do not object to your picture being take, I suppose?

I hand you exhibit 13.

May I ask, do you waive counsel?

Miss HANLON. Pardon me?

The CHAIRMAN. Do you waive counsel? Do you need a lawyer, do you think?

Miss HANLON. No, sir.

The CHAIRMAN. Thank you.

I hand you here exhibit No. 13, which is an application for a charter. It is dated November 8, 1955, and it has some handwriting on it in the left-corner, some notations. Then I hand you six others on the same date, apparently with the same handwriting in the left-hand corner, that have been made exhibit 124-A, B, C, D, E, and F. Would you please examine these documents and state if you recognize them?

(Documents handed to witness.)

Miss HANLON. Yes, sir, I recognize them.

The CHAIRMAN. Do you identify them?

Miss HANLON. Yes, sir.

The CHAIRMAN. Is that your handwriting on them?

Miss HANLON. Yes, sir.

The CHAIRMAN. What date did you place that writing on those documents?

Miss HANLON. November 8, 1955.

The CHAIRMAN. Did you prepare the documents, the applications?

Miss HANLON. That I could not tell you, sir. Sometimes I do and sometimes I don't.

The CHAIRMAN. Do you remember in this instance if the applications were prepared there in the office on November 8, the day you wrote that notation on them?

Miss HANLON. I don't remember. I don't recall, sir.

The CHAIRMAN. You do not remember that. How did you come to write that notation on the document?

Miss HANLON. That is part of the procedure.

The CHAIRMAN. That is part of the procedure?

Miss HANLON. Yes.

The CHAIRMAN. Do you write it on there before they are issued or at the time they are issued?

Miss HANLON. At the time.

The CHAIRMAN. So the documents were issued on that date?

Miss HANLON. Yes, sir.

The CHAIRMAN. Do you remember a Mr. John McNamara being down there at that time?

Miss HANLON. No, sir.

The CHAIRMAN. You did not have any personal contact with him?

Miss HANLON. No, sir.

The CHAIRMAN. When the charters were issued, did you issue the charters, or supervise their issuance?

Miss HANLON. No, sir.

I may have typed the charters, but that would be——

The CHAIRMAN. You may have typed them?

Miss HANLON. Yes, sir.

The CHAIRMAN. All right.

You do not remember preparing those applications from lists of names that were given to you?

Miss HANLON. No, sir.

The CHAIRMAN. You do not know, then, whether the applications were prepared that date in the office or not?

Miss HANLON. No, sir; I don't.

The CHAIRMAN. You say that is your handwriting on the document?

Miss HANLON. Yes, sir.

The CHAIRMAN. And you placed your initials on there and identify your handwriting?

Miss HANLON. Yes, sir. I identify my handwriting.

The CHAIRMAN. Thank you.

Mr. KENNEDY. The charter application says "Charter dated November 8, 1955. Charter sent 11-8. Charter sent to O'Rourke." That is all in your writing?

Miss HANLON. Yes, sir.

Mr. KENNEDY. If the charter is dated November 8, 1955, is that the date that they were handed over?

Miss HANLON. Well, generally, when we say charter is dated such and such a date, that means the charter goes out on that same date, sir.

Mr. KENNEDY. So that these charters went out, based on this note on November 8, did they not?

Miss HANLON. Well, according to procedure they would have.

Mr. KENNEDY. If it happened, actually, they had come down on November 25 or November 30 and asked you to date it back to November 8, 1955, you would remember that, wouldn't you? Wouldn't that be an unusual occurrence?

Miss HANLON. That would be unusual.

Mr. KENNEDY. That to your recollection did not occur in this case?

Miss HANLON. No, sir.

Mr. KENNEDY. To the best of your recollection, these charters were issued on November 8, 1955?

Miss HANLON. That is correct.

Mr. KENNEDY. Can you explain to the committee why the notation "Charter sent to O'Rourke" was made?

Miss HANLON. Because that is generally what we do. You see, we note where we send these charters. In all probability, I sent them to O'Rourke, or someone would pick them up in the office.

Mr. KENNEDY. In this case, do you know why they would be sent to John O'Rourke rather than to the joint council, Martin Lacey, or to the international organizer, John Hickey?

Miss HANLON. No, I wouldn't.

Mr. KENNEDY. You were told that these charters were to be sent to John O'Rourke?

Miss HANLON. That is right.

Mr. KENNEDY. Do you know who told you that they were to be sent to O'Rourke?

Miss HANLON. No, sir, I don't.

Mr. KENNEDY. But you wouldn't have put that down unless somebody told you?

Miss HANLON. That is correct.

Senator MUNDT. What did you do with the charters physically after you signed them? Did you put them in an envelope and mail them or hand them to somebody?

Miss HANLON. According to procedure, I would mail them out, sir. I would type up an address and mail them out.

Senator MUNDT. With a letter of transmittal?

Miss HANLON. With a letter explaining that the charters were on their way, with seals and stamps and so on.

Senator MUNDT. In this case, do you remember writing a letter to Mr. John O'Rourke?

Miss HANLON. No, sir, I don't recall it. I have no independent recollection of these particular charters.

Senator MUNDT. Do you remember what you did with the charters themselves after you put your initials on them?

Miss HANLON. No, sir; I do not.

Senator MUNDT. You cannot recall whether you put them on the desk, or gave them to Mr. English, or gave them to Mr. Mohn, or gave them to Mr. McNamara?

Miss HANLON. No, sir.

Senator MUNDT. You cannot remember what you did with them?

Miss HANLON. I don't believe I gave them to Mr. McNamara, because I never saw Mr. McNamara before in my life.

Senator MUNDT. You cannot recapture, then, what you did on that day with those charters after you signed your name on them?

Miss HANLON. No, sir, I cannot.

Senator MUNDT. All you can remember is that the usual procedure is to send them to somebody, but you are not sure in this case what you did with them?

Miss HANLON. No, sir.

Senator MUNDT. Okay.

The CHAIRMAN. Let me ask you this: Mr. O'Rourke was not the president of joint council 16 at that time, was he?

Miss HANLON. That I wouldn't know, sir.

The CHAIRMAN. You would not know who was president?

Miss HANLON. No, sir.

The CHAIRMAN. You were just carrying out whatever instructions were given to you at the time?

Miss HANLON. That is correct.

The CHAIRMAN. Who would give you those instructions?

Miss HANLON. Either Mr. James Casey or Mr. Vernon Haggerty.

The CHAIRMAN. One of those would give you instructions that you carried out?

Miss HANLON. That is correct.

The CHAIRMAN. Are there any other questions?

Senator McNAMARA. From the notation on the charter that you put on, you identified your handwriting, you say charter sent on this date. That would imply you mailed it, would it not?

Miss HANLON. Yes, sir.

Senator McNAMARA. Well, everything the committee has had up to now indicates that they were not mailed but handed to one John McNamara. You would not have been the person that handed it to him? What would you do with it ordinarily, give it to your employer or supervisor?

Miss HANLON. Well, ordinarily I would mail it out. But if my supervisor wanted to hand it to someone, then I would hand it to my supervisor to hand it to that particular person.

Senator McNAMARA. But your notation says sent, not handed, but sent. That indicates that it was mailed in the usual way, does it not?

Miss HANLON. That is correct.

Senator McNAMARA. That is a peculiar circumstance at this moment in view of the testimony we have had up to now, Mr. Chairman. That is why I am commenting.

The CHAIRMAN. Well, it could be in one sense, but you can send it also by messenger, could you not?

Miss HANLON. Pardon me?

The CHAIRMAN. You could also send them out by messenger, could you not?

Miss HANLON. Yes, sir.

The CHAIRMAN. If someone was there waiting for them, and it was not Mr. O'Rourke, you could send them to Mr. O'Rourke by someone?

Miss HANLON. Yes, sir.

Senator McNAMARA. Mr. Chairman, I think at this point in the record there seems to be a definite conflict. However, I started by asking the young lady, the witness, if that indicated that it was mailed. It was her interpretation that that is what it indicated.

My questioning based on that was the assumption that the normal procedure was to mail it.

Miss HANLON. That is the normal procedure.

Senator McNAMARA. When you say you sent it, according to this notation that you made at the time, that indicates to you now that you mailed it, does it not?

Miss HANLON. That is right.

Senator MUNDT. Mr. Chairman, since the witness indicates that her instructions on that day came to her either from a Mr. Casey or a Mr. Haggerty—right?

Miss HANLON. That is correct.

Senator MUNDT. I am wondering whether counsel has interrogated Mr. Casey or Mr. Haggerty to try to find out whether or not they got the charters or whether they mailed them or what happened.

Mr. KENNEDY. Well, I think that the only controversy or question in doubt is the date. I think Mr. Mohn and the other gentleman—there is some question about how it was actually handled, but I think everybody is agreed, and Mr. Mohn can correct me, that Mr. John McNamara came down and picked up the charters; that this young lady was the one that made the inscription on the side.

Nobody seems to be able to explain why O'Rourke's name appears on there. But, otherwise, there seems to be definite agreement by Casey, the other man, and Mr. Mohn's assistant, that Mr. John McNamara came down here to Washington and picked the charters up and brought them back up to New York.

As I say, the only controversy or the only question in doubt is on the date that it happened, and Mr. Mohn is not sure of the date.

This lady thought it was November 8.

It would appear from the document that it was November 8.

TESTIMONY OF EINAR O. MOHN—Resumed

Senator MUNDT. In that connection, let me ask Mr. Mohn about his office procedure.

Do you have a system when a visitor like Mr. McNamara comes in, and we are agreed that he came down, or anyplace that indicates in your office records when he came down? Is there anything to indicate the date? Do you have an office calendar or a visitors calendar, so that you are able to go back and find out?

Mr. MOHN. I think there is one, but I don't think it is infallible, Senator. If someone calls my office for an appointment with me, I

would have a record of it. But I was not in the office when it is my belief that these charters were actually delivered. I was in New York at that time.

Senator MUNDT. The chances are that they were delivered either by Mr. Casey or by Mr. Haggerty.

Mr. MOHN. If they were ready, they could have been delivered by anybody down there.

Senator MUNDT. You don't have a substantial reception office—

Mr. MOHN. Yes, we do.

Senator MUNDT. Does a young lady keep a record?

Mr. MOHN. I say that that record is not infallible. There have been people who have come into our building who didn't sign that visitors's book.

Senator MUNDT. I am not asking about that, but I thought maybe if the date was important we could pin it down.

Mr. MOHN. I think if they were mailed, there would be a definite record as to whether they were mailed.

Senator MUNDT. There would be a letter of transmittal of some kind.

Mr. MOHN. There would be a record of some kind if they were mailed.

Senator MUNDT. You are sure they were not mailed?

Mr. MOHN. And I am sure they were not mailed.

Senator MUNDT. And you are equally sure that Mr. McNamara or somebody else came down and picked them up?

Mr. MOHN. That is my understanding. I am sure it is correct.

Senator MUNDT. Our committee believes that they picked them up on the 8th and you believe they picked them up on what, the 24th?

Mr. MOHN. I couldn't tell you the date. The best I could tell you was that it was some day during the week preceding the AFL-CIO convention. I could not tell you the date.

The CHAIRMAN. Are there any other questions of the young lady?

If not, thank you very much.

Miss HANLON. Thank you.

Mr. KENNEDY. We have this telephone call that has already been played between Milton Levine and Dick Kaminetsky. They were responsible for setting up phony local 275. The telephone conversation takes place on November 25, 1955. At that time, Levine is reporting to Kaminetsky about his search for a headquarters for local 275. So at least on that date—and which ultimately turned out to be their headquarters—at least on that date they had a charter and were looking for a headquarters.

Mr. MOHN. Unless they were reasonably sure in advance and were looking for a headquarters. I don't know that.

The CHAIRMAN. All right. Proceed.

Mr. KENNEDY. Mr. Mohn, in summary it looks or appears to be that in June of 1954 there was an agreement between the joint council and the international.

Mr. MOHN. Right.

Mr. KENNEDY. That when the charters were granted in the New York area they would go through the joint council.

Mr. MOHN. Correct.

Mr. KENNEDY. That on November 4. or thereabouts, there was a conversation between you and Mr. James Hoffa, in which Mr. Hoffa

suggested that charters be granted to these various groups up in New York.

Mr. MOHN. Right.

Mr. KENNEDY. That subsequent to November 8, or at a later date, these charters were granted, but the international did not inform either the joint council or the general organizer that those charters were granted?

Mr. MOHN. Right.

Mr. KENNEDY. That, starting in early December, letters were written to the joint council from these various groups, from these various locals, asking that they be seated with the joint council.

Mr. MOHN. Right.

Mr. KENNEDY. That after the receipt of those letters on December 15, 1955, Mr. Martin Lacey contacted the international down here and asked for all information regarding the backgrounds of these people, copies of their charter applications, and what jurisdiction these people had; that there was no reply to that letter of December 15 until a telegram came in on January 9, 1956, and at that time there were instructions sent over your name, instructions that the locals should be given all the rights and privileges accorded to locals, that they were properly set up, and that they had proper jurisdiction; that the applications would be sent, would be forwarded, at a later time, but in the meantime that these locals should be allowed to affiliate with the joint council.

On January 10, Mr. Lacey sent a telegram back to you and again protested the chartering of these locals and said that they wanted the information regarding their backgrounds, the applications, the per capita dues payments, and any other information regarding them; that there was no reply to this until around February 2; that a letter was then sent by Mr. Dave Beck, in which he said that these locals should affiliate with the joint council, but that when they voted in the joint council election, that their votes should be segregated, and that they should only be counted or considered to be counted if it would make a difference in the election; that subsequently on February 14, the election was held and it was found that those votes would affect the election, as well as 16 other votes that were contested. That was on February 14.

Then there was a meeting held down here, or a committee was set up, with Mr. Buddy Graham as head of the committee, and he decided that those 16 votes that were contested should be counted, and that gave the election to Mr. John O'Rourke.

At that time it went into the courts.

Mr. MOHN. Right.

Mr. KENNEDY. The court put a temporary injunction that neither these 16 votes nor the 42 votes should be counted, and that gave the election back to Martin Lacey. He remained in control of the joint council through 1956.

Mr. MOHN. I want to say that I have never read the order of the court. I don't know exactly what the court said, but Lacey remained in office anyway.

Mr. KENNEDY. Then on December 3, 1956, just preceding the new election in 1957, another telegram was sent out over the signature of Dave Beck, saying once again, or telling the joint council, that these locals should be seated with the joint council.

Mr. MOHN. Right.

Mr. KENNEDY. Once again that raised the question, and would have permitted these locals to vote in the election?

Mr. MOHN. I think that was a moot question then as far as the contest between O'Rourke and Lacey was concerned.

Mr. KENNEDY. It was a new contest that was just beginning at that time.

Mr. MOHN. There was no contest between O'Rourke and Lacey at that time.

Mr. KENNEDY. At that time, Mr. Lacey was chairman of the joint council. He had not announced at that time that he was not going to run. Mr. Lacey testified before this committee that after the receipt of the telegram, that in view of this, and in view of his own sickness, he decided to withdraw. But at the time you sent the telegram that had not been determined.

Mr. MOHN. Well, I have nothing to do with Lacey's testimony. That is not my belief.

Mr. KENNEDY. During this whole period of time, no investigation at all had been made of any of these people in New York by the international, the ones who applied for the charters or the ones who were the officers on the charters.

Mr. MOHN. I think that is correct.

(At this point Senator Ives withdrew from the hearing room.)

Mr. KENNEDY. And then Mr. Martin Lacey withdrew subsequent to the race and these locals still have not been seated in the joint council, except for 295?

Mr. MOHN. Correct.

Mr. KENNEDY. And there has been no pressure from the international since that time to seat these locals?

Mr. MOHN. There has not.

Mr. KENNEDY. Just prior to the election in 1956, and prior to the election in 1957 are the only times the pressure has been brought by the international to seat these locals?

Mr. MOHN. That is not exactly correct.

Mr. KENNEDY. It might be just a coincidence, but those are the facts.

Mr. MOHN. I cannot agree that Lacey's decision to not run was based upon another request that these locals be seated.

Mr. KENNEDY. We are discussing what the facts are. The facts are that prior to the election in 1956 and prior to the election in 1957, there was pressure brought on by the international to have these locals seated. On the question of whether this is why Martin Lacey withdrew or not, that is his testimony.

Mr. MOHN. Well, I don't think it is pertinent to what the committee is inquiring into as to what I think I know about what happened up there.

Mr. KENNEDY. I am not asking what you think. I am not asking that. All I say is that those are the facts, that the pressure was brought on prior to the 1956 election by the international to seat these locals.

Mr. MOHN. I will not testify that it was pressure. I will testify that it was a notice.

Mr. KENNEDY. That it was what?

Mr. MOHN. That it was a notice.

Mr. KENNEDY. That it was a notice to seat these?

Mr. MOHN. Right.

Mr. KENNEDY. And these locals came into being initially at the request of Mr. James Hoffa, and you cannot give any explanation to the committee as to why no one, Mr. Hoffa or yourself, ever made an investigation of any of these individuals?

Mr. MOHN. I think I testified here this afternoon as to how the events took place. I don't think there are any blank spaces in that.

Mr. KENNEDY. You have nothing to add as to why you did not make an investigation?

Mr. MOHN. I have nothing further to add.

Senator McNAMARA. I have a question before you go to another subject.

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. How important is the joint council in the teamster setup overall? Is it very important?

Mr. MOHN. Yes; it is. It is a very important subordinate body in our international union.

Senator McNAMARA. The authority for the joint council emanates from where?

Mr. MOHN. It emanates from the constitution.

Senator McNAMARA. And the membership in the joint council is compulsory?

Mr. MOHN. The seven elected officers of a local union are, by constitutional provision, delegates to a joint council.

Senator McNAMARA. Plus others?

Mr. MOHN. No. They are the only delegates.

Senator McNAMARA. How many delegates would there be from each local union?

Mr. MOHN. Seven.

Senator McNAMARA. Seven?

Mr. MOHN. There are seven constitutional offices in a local union. The seven constitutional officers are, by virtue of their office, delegates to the joint council.

Senator McNAMARA. Therefore, democracy, as you would term it, is operating properly, because these people are selected by their own membership.

Mr. MOHN. Right.

Senator McNAMARA. And they, by your edict, are then the delegates?

Mr. MOHN. Right.

Senator McNAMARA. So, in fact, the delegates are elected by the local union?

Mr. MOHN. Right.

Senator McNAMARA. How important would it be whether one individual or another, in this case O'Rourke or Lacey, were chairman or president of the joint council to the international? How important would that be?

Mr. MOHN. I don't think to the international it would be of any importance whatsoever. It might be very important to Mr. Lacey or Mr. O'Rourke. But I don't think it would make a bit of difference to the international union who they elected.

Senator McNAMARA. Do they receive salary for this job?

Mr. MOHN. I couldn't tell you whether they do or not. There isn't any constitutional provision, speaking now of the international constitution, that if someone is elected to the presidency or the secretary-treasurership of a joint council, that they can devote their time and be paid a salary. We don't have any prohibition against it.

Senator McNAMARA. Who would decide?

Mr. MOHN. The joint council would decide it.

Senator McNAMARA. In other words, the delegates from the local unions that had been elected to represent the membership?

Mr. MOHN. Right.

Senator McNAMARA. I have been advised that the president of the joint council at this time gets \$25,000 a year. Do you know whether that is an unusual circumstance?

Mr. MOHN. No. I think that precedent was established by Martin Lacey when he was president of the joint council. That is my information.

(Members of the select committee present at this point in the proceedings: Senators McClellan, Kennedy, McNamara, and Mundt.)

Senator McNAMARA. This was prior to that time. He received \$25,000 and the other fellow was trying to get the job so he could get \$25,000.

Mr. MOHN. I don't know about that, but I think the establishment of a salary was during Martin Lacey's administration. That is my information.

Senator McNAMARA. As far as you know, it was done by the votes of representatives of the local unions?

Mr. MOHN. That's right.

Senator MUNDT. Does the joint council have any status or standing or votes in an international convention?

Mr. MOHN. No.

Senator MUNDT. None of these 1½ million votes come from the joint councils?

Mr. MOHN. No, sir.

Senator MUNDT. They all come from local unions?

Mr. MOHN. Yes, sir, local unions.

Mr. KENNEDY. Mr. Mohn, in view of the facts I have recited and the facts that you know about this situation, is there any question in your mind now that these locals were not established for the purpose of having them in existence prior to the merger, and that they were in fact, established in order to use their votes in the election?

Mr. MOHN. Well, again, Mr. Kennedy, I think that I would like to confine my testimony to the facts as they were at that time. As to my opinions as to why they may have been established later on, I doubt if that is of any importance or of any value.

Mr. KENNEDY. Is it your position now at this time that the reason that these locals were established was in order to beat the merger of the CIO and AFL? Do you say that is a fact, an explanation why these charters were issued?

Mr. MOHN. Those were the reasons that the charters were issued as far as I am concerned.

Mr. KENNEDY. I am not asking you that. I am asking you whether the reason that these locals were established was in order to beat the merger of the AFL-CIO, as you know the facts now.

Mr. MOHN. Well, how is that pertinent? I don't want to——

The CHAIRMAN. This is what he means.

Mr. MOHN. You are asking for an opinion now, and you are not asking for a fact.

The CHAIRMAN. Let us get it in proper shape.

Mr. MOHN. I think I have testified to all of the facts in connection with it.

The CHAIRMAN. Let me ask you this one question: You testified at the time based on the facts you had then, you thought it was to beat the merger.

Mr. MOHN. That's right.

The CHAIRMAN. Based on the evidence that you now know, have you changed your mind about it?

Mr. MOHN. I still think that calls for just a personal observation of mine, and I do not think it has anything to do with the facts.

The CHAIRMAN. We had an observation from you at the time you established them, and you thought then it was for that purpose. Have you changed your opinion?

Mr. MOHN. I testified that that was a fact at that time, as I knew the facts.

The CHAIRMAN. As you knew the facts then, and would you say it is a fact as you know the facts now?

Mr. MOHN. I think we are getting into the realm of an opinion.

The CHAIRMAN. We have to draw conclusions, the committee has.

Mr. MOHN. Certainly.

The CHAIRMAN. If you can be helpful, all right. And you are closer to the facts than any of us.

Mr. MOHN. I have tried to be as helpful as I knew the facts.

The CHAIRMAN. Let us proceed.

Mr. MOHN. The committee is entitled to draw a conclusion.

The CHAIRMAN. All right, go ahead. He does not want to answer.

Mr. KENNEDY. Just on this, when you met with Mr. Dio up in New York and you went around and looked at what work he had been doing with local 102, were you impressed with that?

Mr. MOHN. No; I was not particularly impressed with their operations, as far as organizing the cab industry was concerned. I want to be fair when I make that observation because I knew very little about what they had done or tried to do and very little about it.

In fact, I had not known Dio and I did not know him and I did not form my opinions about Dio. He was an unknown character entirely to me.

Mr. KENNEDY. But you opposed at that time bringing this organization into the teamsters.

Mr. MOHN. I opposed not only the bringing of that organization into the teamsters, but I opposed the methods that were being employed. I am not an expert on New York. Senator Ives has left, and he is. I could not visualize organizing some 30,000 cab drivers without being willing to spend millions of dollars or in doing it by going out and establishing a picket line here and there across the city and trying to carve out these small little units one at a time. I could not see that that was a practical approach.

I think other people in the labor movement have tried it before in New York, and they put an awful lot of money in it and they came out

with absolutely nothing. I did not think it was going to be a workable program.

Mr. KENNEDY. Did you understand at this time that Mr. Hoffa was anxious to bring in the local 102 officers?

Mr. MOHN. I did not know anything about Mr. Hoffa's interest in local 102.

Mr. KENNEDY. You did not know anything about that at all?

Mr. MOHN. Not at that time.

Mr. KENNEDY. Now, you said that you had another meeting with Mr. Dio and Mr. Doria in Florida, in December of 1954.

Mr. MOHN. I think it was in the winter of 1954, if I remember rightly, but that had nothing to do with the cab situation.

Mr. KENNEDY. I understand that. There was question of jurisdiction of some of the locals in New York City?

Mr. MOHN. He had gotten into a fight with one of our local unions over a shop of some kind. The details of that I know very little about and they didn't waste much time telling me about it and I said there was nothing I could do about it.

The best place to solve that was to go back to New York and solve it in New York.

Mr. KENNEDY. Now, Mr. Chairman, according to our records he was out of the labor union movement in October of 1954, although he remained according to some of the Doria letters, he remained interested and active after that time.

Mr. MOHN. I don't know what his status was.

Mr. KENNEDY. But he certainly appeared as an official of these locals when he talked to you in Florida?

Mr. MOHN. He was there.

Mr. KENNEDY. Now, you say that you saw him and met him once again here in Washington, and he was with someone at that time.

Mr. MOHN. That's right.

Mr. KENNEDY. Whom was he with?

Mr. MOHN. Well, I would rather not involve some individual that I am sure hasn't anything to do with the matter under inquiry and if it is important I will be glad to confidentially give it to the chairman of the committee, and I have no hesitation in telling him about it.

The CHAIRMAN. I would not ask you to disclose the name if he had no connection with this whatsoever and you were with him on some other business, is that right?

Mr. MOHN. And in fact, I think I did give the name to the general counsel and I think he knows.

The CHAIRMAN. We are not trying to involve him if he had no connection with it, and you say that?

Mr. MOHN. I do not think it has any place here.

The CHAIRMAN. All right, is there anything further?

Senator KENNEDY. I want to get back to this question of what is going to be done by the international about some of these people that have been before our committee.

Now, one of them that was before our committee was Mr. Anthony "Ducks" Corallo, and I think that you may know from either reading the testimony or the papers, something about what sort of a background he had and the fact that his influence extended over more than one local of the teamsters. Of course, he took the fifth amendment.

Now, I understand that his election was last year and that, therefore, the membership will not have an opportunity to elect a new president until 1961. That is nearly 4 years from now, 5 years from the date of his election.

Now, in the constitution of the teamsters, there are many sections which deal with the action which the international could take against Mr. Corallo.

Section 4 (a) states that—

Notwithstanding any other provision of this constitution, the general executive board shall have jurisdiction to try individual members for all offenses committed against the offices or international organization.

Then there is section 6:

Grounds for charges against members of locals, joint councils, and offices.

Number 4 is—

Gross disloyalty or conduct unbecoming a member.

And section 6 is misappropriation. Then in section 10 (a) it says:

Whenever charges involving a member or members, officers, local unions or joint councils, or other subordinate bodies create or relate to a situation imminently dangerous to the welfare of a local union, joint council, and so on, the president is empowered in his discretion to assume original jurisdiction in such matters.

Finally there is section 13 (a), the revocation of membership:

On being found guilty of a crime, when a member is convicted of the commission of a crime or serious wrongdoing or pleads guilty to the commission of a crime or serious wrongdoing against the local union or against the community, in which crime or act of serious wrongdoing tends to bring dishonor upon the local union, it shall be the duty of the local union to proceed to revoke the membership of such member.

In other words, there are very adequate remedies which could be taken against Mr. Corallo and against the many other officers and Mr. Kleinman, and Berger and Carmel who were all convicted of extortion last year in local 875. They were all found guilty and two of them are serving time in prison now. To the best of my knowledge, they still hold the title of their office and one was given a suspended sentence.

So I would like to ask you, Mr. Mohn, whether you or any member of the board or the board itself, plan to take any action against Mr. Anthony "Ducks" Corallo, a notorious hoodlum in New York whose influence extends over several locals of the teamsters.

Mr. MOHN. Well, our executive board is going to meet a week from today and I will be very glad to pose the question.

Senator KENNEDY. Would you give it an endorsement, that action should be taken against Mr. Corallo?

Mr. MOHN. I would be very glad to pose the question to our general executive board. I think that they are all men of enough experience and they do not need any endorsement from Mohn to decide that.

Senator KENNEDY. What is your opinion? Do you think that he should be kept in or do you think action should be taken against Mr. Corallo for one.

Mr. MOHN. I think I answered generally the question that would apply to an individual such as Mr. Corallo. I said earlier that if an individual is known, and if it is known that he has conducted himself

as the record has been presented here and that is all I know about it, and I know nothing further about it——

Senator KENNEDY. It is an extensive record.

Mr. MOHN. People of that kind should not be officers of a local union. I have said that.

Senator KENNEDY. And the next step, is it fair to say then that you will use your influence to see that such a person, if he fulfills the description which has been given of him, and if the facts which the committee have brought out are so, that you would recommend that the executive board take action against him?

I am just trying to see whether the teamsters, and whether a man in your position intends to do something about this or whether the Congress is going to have to do it.

That is not an unreasonable position for us to take.

Mr. MOHN. I am not going to permit myself to use this as any political forum within our international union. I would rather answer it by saying that I will be very glad to bring this to the attention of our executive board which meets a week from today.

Senator KENNEDY. Would it be possible for you to inform the committee as to what action they plan to take, after the meeting, on Mr. Anthony "Ducks" Corallo?

Mr. MOHN. I will be very glad to.

Senator KENNEDY. Thank you.

The CHAIRMAN. Are there any other questions?

Mr. KENNEDY. We have a letter here that I would like to get in the record.

Senator McNAMARA. Regarding that last question, does that assume that Dio is still a member of one of your local unions?

Mr. MOHN. No.

Senator McNAMARA. I get these two characters mixed up. This one is still a member and Dio is not a member, is that correct?

Mr. MOHN. To my knowledge, Dio never was a member of our organization.

Senator KENNEDY. Mr. Corallo was an officer of your organization.

Mr. MOHN. You are telling me that Corallo is, and it may very well be. We do not keep individual membership records in the international office of any member.

Senator KENNEDY. He is a vice president of local 239 and his picture was all over the front page, and he makes \$20,000, and surely it must be a matter of some interest to you that this man holds this position in your organization, does it not, and he has control of four other teamsters locals? Is that a matter that is of complete noninterest to you?

Mr. MOHN. No, it is not.

Senator KENNEDY. Therefore, it seems to me that you must be reasonably well informed about it.

Mr. MOHN. No, I am not reasonably well informed. All I know about Ducks Corallo is what I have read in the newspapers. While I have a great deal of respect for the press, I am not going to accept everything they say as being factual.

Senator KENNEDY. Have you read the the testimony before the committee?

Mr. MOHN. I did. I read part of it.

Senator KENNEDY. Did you come to any conclusion?

Mr. MOHN. I think that I have answered that question pretty well already.

Senator KENNEDY. Would you answer it again? Have you come to any conclusion yourself as to whether Corallo should continue to hold a position of responsibility?

Mr. MOHN. I do not want to name anyone by name, because I do not know Mr. Corallo. I have no knowledge of him whatsoever, excepting as it was brought out here, as far as his record is concerned.

I said, and I will repeat it, that if the things that were charged, if those are factual about an individual such as Corallo, if those are the records of a man, then as far as Mohn is concerned, Mohn doesn't believe that they ought to be a local union officer.

That is as far as I am going to go with you.

Senator KENNEDY. I think you say "if." The point I am asking you is, Have you attempted since these facts were brought forth by the committee to investigate the record so that you could come to a definite conclusion?

Mr. MOHN. I think that would be a pretty difficult task. It only came out here in the last week or two.

Senator KENNEDY. In other words, you have not even read the transcript since then?

Mr. MOHN. I have not read the transcript; no, sir, I have not.

Mr. KENNEDY. Just on that question, what about Mr. Gerald Connelly of Minneapolis? You are familiar with him, are you not?

Mr. MOHN. I know who is. That is about all.

Mr. KENNEDY. Now, Mr. Gerald Connelly was convicted of taking a bribe, was he not?

Mr. MOHN. He was.

Mr. KENNEDY. And he was ousted from his leadership of the union as an officer of the union?

Mr. MOHN. He was.

Mr. KENNEDY. Did you not take steps to put him back in as an officer of the union?

Mr. MOHN. I did. I will be very glad to explain why I did.

There were four individuals involved, as the committee knows, in Minneapolis, in connection with this case, and it involved some employer up there. They were all indicted and they were tried and they were convicted.

Now, they were all together in this trial and while I was out of the office, one of the other defendants asked that he be named trustee over this organization and Connelly removed without my knowledge, because I would not have approved of it if I had been in the office, that is, to remove Connelly at that time.

This threw the whole defense involving the other three individuals in a very chaotic condition. Now, in my opinion, there were varying degrees of guilt as far as those defendants were concerned. I felt that they were entitled to have before the court the best possible defense that they could have.

Certainly, you weren't going to do that by creating this fight between the two individuals who were both defendants. I suggested that he be put back to work, not as secretary-treasurer, but he be put back to work in that organization at least for such a period of time as they were through with their case before the Federal court.

That is exactly the facts in the case.

Mr. KENNEDY. Hadn't he pleaded guilty to that charge?

Mr. MOHN. At the time I went up there, I don't think so.

Mr. KENNEDY. What position did he go back in as?

Mr. MOHN. Business agent.

Mr. KENNEDY. He went back in as business agent of the local?

Mr. MOHN. Yes, sir.

Mr. KENNEDY. And you were responsible? You and who else were responsible for putting him back in there?

Mr. MOHN. We got ourselves a trustee from outside of the area and put him in charge of the organization and removed one of the defendants who had named himself trustee, and removed him from that position, which we felt was a much sounder position for the organization.

Mr. KENNEDY. Who took that action? Was it you?

Mr. MOHN. I did it with the approval of the general president.

Mr. KENNEDY. Was there a board set up, you and Mr. Hoffa?

Mr. MOHN. Yes, sir, he was with us, and O'Brien from Chicago.

Mr. KENNEDY. Didn't this Gerald Connelly get into more difficulty later on? He blew up a house and he blew up an automobile and then he took more bribes.

Mr. MOHN. I know he wound up in jail.

Mr. KENNEDY. Hadn't he come originally out of Miami, where it was alleged that he had hired two people to kill someone?

Mr. MOHN. I have heard that story, Mr. Kennedy, but I don't know anything about it.

Mr. KENNEDY. I would think that you would find out some of these things, Mr. Mohn. I would think you would be interested. They are teamsters.

You had a lot of testimony on it, and could go down there and find out. He and Jimmy Jones of the laundry workers were supposed to hire 2 men to go down to Miami to kill somebody, and he put 5 bullets in the man's head.

Mr. MOHN. He didn't go to jail for it.

Mr. KENNEDY. No, he came back up to Minneapolis and he got a job up there with the teamsters.

Mr. MOHN. I am not an investigator and I don't have an investigative staff. I don't know anything about Connelly's past history. I know he is out of our movement and he is in jail at the present time. I know that.

The CHAIRMAN. Well, Mr. Mohn, I can't help but make this comment, that you certainly show very little enthusiasm for cleaning up this teamsters union. I will declare that I never saw anyone so hesitant about stepping in here and having a conviction and an opinion about whether he thinks it ought to be cleaned up.

Mr. MOHN. Senator, I take exception to those remarks.

The CHAIRMAN. I am sorry you do.

Mr. MOHN. I have spent 25 years in this movement. And I think that I can honestly say that I have worked very hard at it. It has been my only livelihood and I have had no other occupation in all of that time.

The CHAIRMAN. Mr. Mohn, I am not questioning that. I simply say that you show little enthusiasm—for these conditions that now prevail according to the testimony before this committee—about doing something to clean it up. You occupy, I assume from your title, the next

highest position to Dave Beck in this organization, as executive assistant to the general president.

Mr. MOHN. I have nothing to say about the assumptions that you want to make, Senator.

The CHAIRMAN. I will present you a letter here dated December 5, 1956, addressed to you and signed by Mr. Joseph Konowe, regional director.

Mr. MOHN. Joe Konowe.

The CHAIRMAN. I ask you to examine the letter and see if you identify it.

(The document was handed to the witness.)

Mr. MOHN. Yes, I identify it.

The CHAIRMAN. It may be made exhibit 156.

(The document referred to was marked "Exhibit No. 156" for reference and will be found in the appendix on p. 4926.)

Mr. KENNEDY. I just want to give an explanation.

There was a telegram sent out on December 3, 1956, over the signature of Mr. Dave Beck, requesting once again that the joint council seat these various locals or commanding that they be seated.

Then, on December 5, Mr. Konowe, regional director, writes Mr. Einar Mohn to tell him that the telegram had not been read on two grounds: (1) that they arrived late in the afternoon according to O'Rourke, "and consequently we had no way of knowing who had gotten them" and when I questioned O'Rourke as to why the telegrams were not brought to the floor he gave the additional reason that, "something was cooking and things might be straightened out. I hope so."

That referred, did it not, to the fact that Mr. Lacey was going to withdraw from the race so there was no need to have these locals seated.

Mr. MOHN. I believe that it did, Mr. Kennedy. There were quite a few people in the New York joint council who had been working on reaching some understanding between Lacey and O'Rourke and that he would not be a candidate and that is what I was trying to say a while ago.

That decision in my opinion, was reached long before this last telegram.

Mr. KENNEDY. After that letter was received, the telegram was not sent, and there has not been any pressure to seat these locals by the international since that time.

Mr. MOHN. No. The truth of the matter is that the decision that this self-appointed committee had been working on was reached quite some time prior to that.

The CHAIRMAN. Thank you very much, Mr. Mohn.

The Chair wishes, before we adjourn, to place in the record an affidavit from Sal B. Hoffmann, dated the 14th of August 1957 and it relates to the testimony of Morris or Marshall Miller.

The affidavit and the transcript of the testimony of Marshall Miller as testified here last week, together with transcript of any testimony contradictory to his testimony, will be sent to the Justice Department for its attention and action.

It is the opinion of the Chair that in that testimony, I am not saying who because I do not know, somebody committed willful perjury before this committee.

(The affidavit is as follows:)

STATE OF ILLINOIS,

County of Cook, ss:

Sal B. Hoffman, 1500 North Broad Street, Philadelphia, Pa., International President Upholsterers' International Union of North America, AFL-CIO, being duly sworn according to law, deposes and says as follows:

Morris Miller, also known as Marshall M. Miller, was employed by the Upholsterers' International Union as an organizer from 1946 until about January 1948, at which time he was appointed director of organization of said union.

On December 12, 1949, I dismissed Miller from employment because of evidence obtained that he had solicited a bribe from officials of a company in contractual relations with our union.

I have read Miller's statement, as reported in the New York Times for Monday, August 5, 1957, that I discharged him because he had dismissed, against my wishes, three organizers with criminal records. This statement, or any other similar allegation, is utterly false.

Mr. Miller did not at any time discharge or terminate, or have the authority to discharge or terminate any organizers, or any other persons in the employ of the Upholsterers' International Union of North American.

Under the constitution of the Upholsterers' International Union of North America, the sole and exclusive authority to hire and discharge organizers and other employees of the international union is confined to, and required to be exercised by the general president of the international union.

All of the foregoing facts and information are true and correct to the best of my knowledge, information, and belief.

SAL B. HOFFMAN.

Subscribed and sworn to before me this 14th day of August A. D. 1957.

MARQUERITE F. EIPERS,
Notary Public.

My commission expires May 28, 1959.

The CHAIRMAN. The committee will stand in recess until 10:30 in the morning.

(Whereupon, at 5:15 p. m., the hearing in the above-entitled matter was recessed, to reconvene at 10:30 a. m., of the following day.)

APPENDIX

EXHIBIT No. 104



of L. C. I. O.

WAREHOUSE AND PROCESSING EMPLOYEES UNION LOCAL 258

International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America

29-28 41st AVENUE Chatham Phoenix Building, Room 301 LONG ISLAND CITY, N. Y.

4902
Stillwell 4- 4903
4904

IMPORTANT

Dear Members:

This is to advise you that effective the last day of July 1956 your local, Local 649, International Union, United Automobile Workers of America, AFL, has been changed to:

Warehouse & Processing Employees Union
Local 258
International Brotherhood of Teamsters
AFL-CIO

Such change in name only does not involve any change in its officers or membership.

Our new offices will be located at:

29-28-41st Avenue - Room 301
Long Island City, New York
Telephone: Stillwell 4-3002

Accordingly, our obligations and rights under our present collective bargaining agreement with your Company shall continue, unaffected by this change in name.

Fraternally yours,

Harry Davidoff
HARRY DAVIDOFF,
Secy.-Treas.

PLEASE POST THIS NOTICE ON YOUR BULLETIN BOARD

UL - 5 - 1161

EXHIBIT No. 106

AFFILIATED WITH
AMERICAN
FEDERATION
OF LABORWAREHOUSE AND PROCESSING EMPLOYEES UNION
LOCAL 258

International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America

10 PARK AVENUE

MOUNT VERNON, N. Y.

MOUNT VERNON 4-2916

February 2nd, 1956.

Joint Council #16, I. B. of T.
265 West 14th Street
New York 11, N. Y.

Dear Sir & Brother:

This will certify that the bearer, Harry Davidoff,
is an Executive Board member of Local Union 258 and is eligible
to vote in the Joint Council election.

Fraternally yours,

Harry Davidoff, Secy. Treas.

EXHIBIT No. 107

AFFILIATED WITH
AMERICAN
FEDERATION
OF LABOR



WAREHOUSE AND PROCESSING EMPLOYEES UNION
LOCAL 269

International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America

1780 BROADWAY

NEW YORK 19 N Y

PLAZA 7-6180

February 2nd, 1956.

Joint Council #16, I. B. of T.
265 West 14th Street
New York 11, N. Y.

Dear Sir & Brother:

This will certify that the bearer ARMONDO SIMONTACCI
is an Executive Board member of our Local Union #269, and is eligi-
ble to vote in the Joint Council election.

Fraternally yours,

Joseph Curcio
Joseph Curcio, Secy. Treas.

EXHIBIT No. 108

AFFILIATED WITH
AMERICAN
FEDERATION
OF LABOR



WAREHOUSE AND PROCESSING EMPLOYEES UNION
LOCAL 269

International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America

1780 BROADWAY

NEW YORK 19, N. Y.

PLAZA 7 6180

February 2nd, 1956.

Joint Council #16, I. B. of T.
265 West 14th Street
New York 11, N. Y.

Dear Sir & Brother:

This will certify that the bearer Basil Rosche
is an Executive Board member of our Local Union #269, and is eligi-
ble to vote in the Joint Council election.

Fraternally yours,

Joseph Curcio
Joseph Curcio, Secy. Trans.

EXHIBIT No. 109

AFFILIATED WITH
AMERICAN
FEDERATION
OF LABORWAREHOUSE AND PROCESSING EMPLOYEES UNION
LOCAL 362

International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America

119 WEST COLUMBIA STREET

HEMPSTEAD, L. I.

IVANHOE 1-9112

February 2nd, 1956.

Joint Council #16, I. B. of T.
265 West 14th Street
New York 11, N. Y.

Dear Sir & Brother:

This will certify that the bearer MARTIN SCHLANGER
is an Executive Board member of our Local Union #362, and is eligi-
ble to vote in the Joint Council election.

Fraternally yours,

Abraham Brier

AB/ko

Abraham Brier, Secy. Treas.

EXHIBIT No. 110

AFFILIATED WITH
AMERICAN
FEDERATION
OF LABOR



WAREHOUSE AND PROCESSING EMPLOYEES UNION
LOCAL 651

International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America

119 W. COLOMBIA STREET

ROCK HEMPSTEAD L. I.

IVANHOE 19112

February 2nd, 1946

Joint Council No. 13, I. B. T. of T.
265 West 14th Street
New York 11, N. Y.

Dear Sir / Brother:

This will certify that the bearer JOSEPH Migelin
is an Executive Board member of our local Union #651 and is eligi-
ble to vote in the Joint Council election.

Fraternally yours,

Nathan Gordon
Nathan Gordon, Secy. Treas.

EXHIBIT No. 111

AFFILIATED WITH
AMERICAN
FEDERATION
OF LABOR



WAREHOUSE AND PROCESSING EMPLOYEES UNION
LOCAL 258

International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America

10 PARK AVENUE

MOUNT VERNON, N. Y.

MOUNT VERNON 4-2916

February 2nd, 1956.

Joint Council #16, I. B. of T.
265 West 14th Street
New York 11, N. Y.

Dear Sir & Brother:

This will certify that the bearer Anthony B. [unclear]
is an Executive Board member of Local Union 258 and is eligible
to vote in the Joint Council election.

Fraternally yours,

Harry Davidoff
Harry Davidoff, Secy. Treas.

EXHIBIT No. 112

AFFILIATED WITH
AMERICAN
FEDERATION
OF LABOR



WAREHOUSE AND PROCESSING EMPLOYEES UNION
LOCAL 269

International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America

1780 BROADWAY

NEW YORK 19 N. Y.

PLAZA 7 6180

February 2nd, 1936.

Joint Council #16, I. B. of T.
265 West 14th Street
New York 11, N. Y.

Dear Sir / Brother:

This will certify that the bearer Joseph Curcio
is an Executive Board member of our Local Union #269, and is eligi-
ble to vote in the Joint Council election.

Fraternally yours,

Joseph Curcio
Joseph Curcio, Secy. Treas.

EXHIBIT No. 115

EARL WARREN
GovernorJAMES G. BRYANT
Director

Valkmann

STATE OF CALIFORNIA
DEPARTMENT OF EMPLOYMENT

1085 P STREET
SACRAMENTO 14, CALIFORNIA

April 11, 1949

CALIFORNIA
EMPLOYMENT
STABILIZATION
COMMISSIONJAMES G. BRYANT
ChairmanT. H. MUGFORD
Vice Chairman

TOLAND C. McGETTIGAN

MICHAEL B. RUNZ

GLENN V. WALLIS

Occidental Life Insurance Co.
of California
1151 So. Broadway
Los Angeles 15, California

Direct Reply To:

961061:lh

Attn: J. P. Dandy

With your letter of March 29, 1949, you forwarded a copy of your policy form GAF-11 and requested that single case consideration be given to the fill-in material as it appears on the policy.

The fill-in wording appearing in the "Exceptions" section of the "Insuring Provisions" on page 2, and the fill-in wording on endorsement form GAE-78, with respect to classes of employees not eligible, is objectionable.

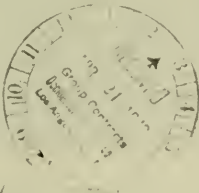
Under Section 283(a) of the regulations, coverage under a voluntary plan must be made available to all of the employees of the employer, or to all of the employees employed in a separate establishment of the employer.

The fill-in wording on your policy form GAF-11 cannot be approved since such wording restricts coverage under a voluntary plan to the employees who are members of a particular labor organization.

A voluntary plan insured under Policy Form GAF-11, with fill-in wording as submitted, may be approved only if provision is made for coverage under the voluntary plan of the remaining employees of the employer.

Very truly yours,

Charles Barte
Charles Barte
Principal Auditor



174, 21/49

EXHIBIT No. 120A

10

LOC. AL. 575. I.B.T. A.F. OF L.

1040
No.

100

NEW YORK

88

1925 210

15

REVIEWS

Journal of the American Medical Association

TO
THE NATIONAL CITY BANK OF NEW YORK,
THIRTY-SECOND STREET BRANCH,
ONE PARK AVENUE, NEW YORK CITY.

But Black.

EXHIBIT No. 120C

10

104.55.131.17.01.

2901

18

210

NEW YORK

1-2

100

TO
THE NATIONAL CITY BANK OF NEW YORK
THIRTY-SECOND STREET BRANCH
ONE PARK AVENUE, A. DUPONT, JR., CASHIER
NEW YORK

EXHIBIT No. 120D

10

LOCAL 875, I.R.T. A.F. OF L.

No 1086

PAY TO THE ORDER OF

NEW YORK

1-8

210

28

\$50.00

DOLLARS

LOCAL 875 I.R.T. A.F. OF L.

TO THE NATIONAL CITY BANK OF NEW YORK

THIRTY-SECOND STREET BRANCH

ONE PARK AVENUE AT THIRTY-SECOND STREET
NEW YORK

Joe Meyer Pres.

875

EXHIBIT No. 121—Continued

10

LOCAL 875, I.R.T., A.F. OF L.

No. 1258

1-8 210

PAY TO THE ORDER OF

NEW YORK

Handwritten: 1258 10 13 210

\$ 25

DOLLARS

LOCAL 875, I.R.T., A.F. OF L.

TO THE NATIONAL CITY BANK OF NEW YORK

THIRTY-SECOND STREET BRANCH
ONE PARK AVENUE AT THIRTY-SECOND STREET
NEW YORK, N. Y.

Handwritten: 1258 10 13 210
Handwritten: 1258 10 13 210
Handwritten: 1258 10 13 210

1258 10 13 210

1258 10 13 210

EXHIBIT No. 121—Continued

10

LOCAL 875, I.B.T.F., A.F. OF L.

No. 1262

1-8 210

NEW YORK

POSTAGE GUARANTEED

TO THE NATIONAL CITY BANK OF NEW YORK
THIRTY-SECOND STREET BRANCH
ONE PARK AVENUE AT THIRTY SECOND STREET
NEW YORK, N. Y.

LOCAL 875, I.B.T.F., A.F. OF L.

DOLLARS

Amount of \$100.00

per 1/2 time

11

NEW YORK

POSTAGE GUARANTEED

TO THE NATIONAL CITY BANK OF NEW YORK
THIRTY-SECOND STREET BRANCH
ONE PARK AVENUE AT THIRTY SECOND STREET
NEW YORK, N. Y.

LOCAL 875, I.B.T.F., A.F. OF L.

DOLLARS

Amount of \$100.00

per 1/2 time

10

LOCAL 875, I.B.F. of L.

No. 1265

1-8 210

PAY TO THE ORDER OF

NEW YORK

DOLLARS

LOCAL 875, I.B.F. of L.

TO
THE NATIONAL CITY BANK OF NEW YORK
THIRTY-SECOND STREET BRANCH
ONE PARK AVENUE AT THIRTY-SECOND STREET
NEW YORK, N. Y.

George F. Turner

000000
000000

EXHIBIT No. 121—Continued

10

LOCAL 575, I.B.T.F. A.F. OF L.

No. 1267

1-8
210

NEW YORK

PAS TO HD
CHD HOD

TO
THE NATIONAL CITY BANK OF NEW YORK
THIRTY-SECOND STREET BRANCH
ONE PARK AVENUE AT THIRTY-SECOND STREET
NEW YORK N.Y.

DOLLARS

LOCAL 575 I.B.T.F. A.F. OF L.

Alphonse J. Lefebvre
August 1, 1911

EXHIBIT No. 124A

250

258

U. S. 1471 - 200 - 2-50



APPLICATION FOR CHARTER

IN THE

International Brotherhood of Teamsters, Chauffeurs,
Warehousemen and Helpers of America

HEADQUARTERS

100 Indiana Ave., N. W. Washington 1, D. C.

JOHN F. ENGLISH, General Secretary-Treasurer



Charter dated
November 8, 1955
Ch sent 1/8
Ch sent to O. Roub
15 pd

City New York, New YorkDate November 8, 1955

We, the undersigned Wage-Workers, believing it to be well calculated to improve our economic and social condition and promote our industrial well being and advancement, respectfully petition the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America to grant a Charter to us as representatives of:

Proposed Name of Organization Warehouse and Processing

(Name should include type of craft and workers to be covered.)

Jurisdiction Greater New York Area, New York

(City or Cities)

(State)

Business Address 10 Park Ave.

Street

Mt. Vernon, N.Y.

(City and State)

Anticipated number of members in Local Union _____

Business Phone No. _____

We hereby pledge ourselves, individually and collectively, to be governed by the Constitution, Rules and Usages of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, with the reserved right to preserve the autonomy or self-government of our own organization, subject to such rules and regulations as may be made, or are now established in our organization as above named.

Name of Organizer _____

Address _____

Name of President _____

Address _____

Name of Secretary-Treasurer Harry Davidoff

Address _____

NAMES OF APPLICANTS

ADDRESSES

1 George Snyder2 Clarence Clarke3 James Kant...4 Joseph Loveluck5 Neil Lebin6 John Vittaca

(PLEASE TYPE OR PRINT LEGIBLY NAMES OF APPLICANTS)

Use additional sheets when necessary. Send names of all charter members with this application.

(OVER)

EXHIBIT No. 124B

APPLICATION FOR CHARTER

IN THE

International Brotherhood of Teamsters, Chauffeurs,
Warehousemen and Helpers of America

HEADQUARTERS

100 Indiana Ave., N. W. Washington 1, D. C.

JOHN F. ENGLISH, General Secretary-Treasurer

284



Charter att'd
November 8, 1955
Ch sent 14/5
Rec'd 15.00
Ch sent to 11/10/55

City New York, New YorkDate November 8, 1955

We, the undersigned Wage-Workers, believing it to be well calculated to improve our economic and social condition and promote our industrial well being and advancement, respectfully petition the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America to grant a Charter to us as representatives of:

Proposed Name of Organization Warehouse and Processin

(Name should include type of craft and workers to be covered)

Jurisdiction Greater New York Area, New York

(City or Cities)

(State)

Business Address _____ Street _____

City and State _____

Anticipated number of members in Local Union _____

Business Phone No. _____

We hereby pledge ourselves, individually and collectively, to be governed by the Constitution, Rules and Usages of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, with the reserved right to preserve the autonomy or self-government of our own organization, subject to such rules and regulations as may be made, or are now established in our organization as above named.

Name of Organizer _____ Address _____

Name of President _____ Address _____

Name of Secretary-Treasurer Sidney Hodas

Address _____

NAMES OF APPLICANTS

ADDRESSES

1. Harry Reiss2. David Cosentino3. Arthur J. Santa Maria4. Dominic Santa Maria5. Frank Virillio6. Alfred Petrozza

(PLEASE TYPE OR PRINT LEGIBLY NAMES OF APPLICANTS)

Use additional sheets when necessary. Send names of all charter members with this application.

(OVER)

EXHIBIT No. 124C

221

269



APPLICATION FOR CHARTER

IN THE

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America

HEADQUARTERS

100 Indiana Ave., N. W. Washington 1, D. C.

JOHN F. ENGLISH, General Secretary-Treasurer



Charter dated
November 8,
1955
Ch sent to W. Roneb
15 rec'd

City New York, New YorkDate November 8, 1955

We, the undersigned Wage-Workers, believing it to be well calculated to improve our economic and social condition and promote our industrial well being and advancement, respectfully petition the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America to grant a Charter to us as representatives of:

Proposed Name of Organization Warehouse and Processing

(Name should include type of craft and workers to be covered)

Jurisdiction Greater New York Area, New York

(City or Cities)

(State)

Business Address 1780 B'way Street New York, New York

(City and State)

Anticipated number of members in Local Union _____ Business Phone No. _____

We hereby pledge ourselves, individually and collectively, to be governed by the Constitution, Rules and Usages of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America with the reserved right to preserve the autonomy or self-government of our own organization, subject to such rules and regulations as may be made, or are now established in our organization as above named.

Name of Organizer _____ Address _____

Name of President _____ Address _____

Name of Secretary-Treasurer Joseph Curcio Address _____

NAMES OF APPLICANTS

ADDRESSES

1 Frank Easton2 Robert Sauer3 Stanley Seilin4 Harold Tolson5 Richard Easton6 Joseph Boutti

7 _____

8 _____

(PLEASE TYPE OR PRINT LEGIBLY NAMES OF APPLICANTS)

Use additional sheets when necessary. Send names of all charter members with this application.



(OVER)

EXHIBIT No. 124D



APPLICATION FOR CHARTER

IN THE

**International Brotherhood of Teamsters, Chauffeurs,
Warehousemen and Helpers of America**



HEADQUARTERS

100 Indiana Ave., N. W. Washington 1, D. C.

JOHN F. ENGLISH, General Secretary-Treasurer

Charter dated

November 8, 1955

in sent 11/8/55

is Rec'd

in sent to O'Rourke

City New York, New YorkDate November, 1955

We, the undersigned Wage-Workers, believing it to be well calculated to improve our economic and social condition and promote our industrial well being and advancement, respectfully petition the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America to grant a Charter to us as representatives of:

Proposed Name of Organization Warehouse and Procession

(Name should include type of craft and workers to be covered)

Jurisdiction Greater New York Area, New York

(City or Cities)

State

Business Address 19 W. Columbia St. Street W. Hempstead, Long Island, New York

(City and State)

Anticipated number of members in Local Union

Business Phone No.

We hereby pledge ourselves, individually and collectively, to be governed by the Constitution, Rules and Usages of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, with the reserved right to preserve the autonomy or self-government of our own organization, subject to such rules and regulations as may be made, or are now established in our organization as above named.

Name of Organizer _____ Address _____

Name of President _____ Address _____

Name of Secretary-Treasurer Nathan Gordon Address _____

NAMES OF APPLICANTS

ADDRESSES

1. Herbert Doff2. William Barrett3. John Moriarty4. Nicholas Marti5. William Woods6. Thomas Horan

(PLEASE TYPE OR PRINT LEGIBLY NAMES OF APPLICANTS)

Use additional sheets when necessary. Send names of all charter members with this application.

(OVER)

EXHIBIT No. 124E

362

D 1027 - 800 0-10



APPLICATION FOR CHARTER

IN THE

International Brotherhood of Teamsters, Chauffeurs,
Warehousemen and Helpers of America

HEADQUARTERS

100 Indiana Ave., N. W. Washington 1, D. C.

JOHN F. ENGLISH, General Secretary-Treasurer



Charter dated
November 8, 1955
Ch sent 11/8

Rec'd 11/15
Ch sent to O'Rourke

City New York, New YorkDate November 8, 1955

We, the undersigned Wage-Workers, believing it to be well calculated to improve our economic and social condition and promote our industrial well being and advancement, respectfully petition the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America to grant a Charter to us as representatives of:

Proposed Name of Organization Warehouse and Processing

(Name should include type of craft and workers to be covered.)

Jurisdiction Greater New York Area, New York

(City or Cities)

(State)

Business Address 119 W. Colombia St. Street W. Hempstead, Long Island

(City and State)

Anticipated number of members in Local Union _____

Business Phone No. _____

We hereby pledge ourselves, individually and collectively, to be governed by the Constitution, Rules and Usages of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, with the reserved right to preserve the autonomy or self-government of our own organization, subject to such rules and regulations as may be made, or are now established in our organization as above named.

Name of Organizer _____ Address _____

Name of President _____ Address _____

Name of Secretary-Treasurer Abe Brier Address _____

NAMES OF APPLICANTS

ADDRESSES

1 Bernie Talkow2 Arthur Scott3 Murray Flatzow4 George Bivins5 Allen Manigault6 Santiago Vazquez

7 _____

8 _____

(PLEASE TYPE OR PRINT LEGIBLY NAMES OF APPLICANTS)

Use additional sheets when necessary. Send names of all charter members with this application.

(OVER)

EXHIBIT No. 124F

APPLICATION FOR CHARTER

IN THE

International Brotherhood of Teamsters, Chauffeurs,
Warehousemen and Helpers of America

HEADQUARTERS

100 Indiana Ave., N. W. Washington 1, D. C.

JOHN F. ENGLISH, General Secretary-Treasurer

City New York, New YorkDate November 8, 1955

We, the undersigned Wage-Workers, believing it to be well calculated to improve our economic and social condition and promote our industrial well being and advancement, respectfully petition the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America to grant a Charter to us as representatives of:

Proposed Name of Organization Air Freight Chauffeurs, Handlers, Warehousemen and Allied Workers
(Name should include type of craft and workers to be covered.)

Jurisdiction Greater New York Area, New York
(City or Cities) (State)

Business Address _____ Street _____
(City and State)

Anticipated number of members in Local Union _____

Business Phone No. _____

We hereby pledge ourselves, individually and collectively, to be governed by the Constitution, Rules and Usages of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, with the reserved right to preserve the autonomy or self-government of our own organization, subject to such rules and regulations as may be made, or are now established in our organization as above named.

Name of Organizer _____ Address _____

Name of President _____ Address _____

Name of Secretary-Treasurer _____ Address _____

NAMES OF APPLICANTS

ADDRESSES

1 George Crair

2 Harold Sampson

3 John McHamara

4 Joseph Schultz

5 Micheal Burton

6 Timothy Ring

7 Anthony Russo

(PLEASE TYPE OR PRINT LEGIBLY NAMES OF APPLICANTS)

Use additional sheets when necessary. Send names of all charter members with this application.

(OVER)

EXHIBIT No. 127

September 19, 1955

Mr. Sam Goldstein
Local 239, I. B. of T.
2155 Grand Concourse
Bronx, N. Y.

Dear Sir and Brother:-

Re advised that on Tuesday, September 16th your application for charter was approved by Joint Council #16, same to read as follows: Executive Agencies, Arts, Synthetic and Drivers, Helpers and Warehousemen.

Your financial obligations are as follows: Joint Council Dues and Statistical dues of \$2,000 based on the ratio of one dollar per year per member payable immediately, and \$1,250 representing Local 239's contribution to the Eastern Conference of Teamsters based on the ratio of 50¢ per member, payable immediately. Both checks are to be submitted here and we will forward the Eastern Conference check to Washington.

You will be notified when the next Council meeting takes place at which time all officers must be present to be seated. Kindly send to this office a letter listing the names and home addresses of your officers requesting that they be seated.

Trusting you will give this matter your immediate attention, I remain

Sincerely yours,

MTT:MM

Martin T. Lacey,
resident

EXHIBIT No. 128

3

WAREHOUSE AND PROCESSING EMPLOYEES
LOCAL 284

International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers

24 E. 23RD STREET

NEW YORK 10 N Y

OREG

AFFILIATED WITH
AMERICAN
FEDERATION
OF LABOR

NOVEMBER 27TH, 1935

INTERNATIONAL BROTHERHOOD OF TEAMSTERS
JOINT COUNCIL #16
265 WEST 14TH STREET
NEW YORK CITY, NEW YORK

DEAR SIR & BROTHER:

LISTED BELOW YOU WILL FIND THE NAMES OF THE
OFFICERS OF LOCAL UNION NO. 284 AND THE TITLES OF THE
OFFICES TO WHICH THEY ARE ASSIGNED:

HARRY REISS	- FINANCIAL SECRETARY-TREASURER
DAVID COSENTINO	- PRESIDENT
DON NICK SANTA MARIA	- VICE-PRESIDENT
MILTON LINDEN	- RECORDING SECRETARY
VITO BOCHICCHIO	- TRUSTEE
FRED VIRGILIO	- TRUSTEE
HAROLD CULBERT	- TRUSTEE

THEY REQUEST TO BE SEATED AS DELEGATES TO
JOINT COUNCIL #16.

FOR THE NATIONAL UNION

HR:LS

SECRETARY-TREASURER

EXHIBIT
U.S. Dist. Court
S.D. N.Y.
11-16-35

EXHIBIT No. 128A

4
Local Union 295

Affiliated with the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HEL
American Federation of Labor

421 NINTH AVENUE • NEW YORK 1, N. Y. • LACKAWANNA.

November 30, 1955

Mr. Martin T. Lacey, President
Teamsters Joint Council #16
265 West 14th Street
New York City, New York

Dear Sir and Brother:

Local Union 295 herewith respectfully
requests the Joint Council to seat the following
named as delegates in the Council.

Michael Burton
Timothy Rink
John McNamara
Jack Meyer
Ernest Hottenbirk
James Costa
Samuel Berkofsky

President
Vice President
Secretary-Treasurer
Recording Secretary
Trustee
Trustee
Trustee

Fraternally Yours,

John McNamara
Secretary-Treasurer

EXHIBIT
U. S. Dist. Court
S. D. N. Y.
APR 13 1956

EXHIBIT No. 129

DAVE BECK
General President



International Brotherhood of
TEAMSTERS, CHAUFFEURS
WAREHOUSEMEN & HELPERS of America

1400 ANA AVENUE N.W. • WASHINGTON 25, D.C. • EST. 1903

June 16, 1964

Mr. Martin Lacey, President
Joint Council of Teamsters No. 16
265 West 14th Street
New York, New York

APR 17 1964

Dear Marty:

You asked me, following our meeting with your Executive Board and Advisory Board members, to submit to you a brief memorandum on the matters that we had under discussion in President Beck's office on Monday of this week.

I talked to the General President over the phone following our meeting and outlined to him the matters that we had discussed and the conclusions that had been arrived at. I state to you and your associates that he is more than pleased with the outcome of the meeting.

We discussed the issuing of charters without those charters having been discussed with the officials of the Joint Council and without the Council having had an opportunity to express themselves on the question of whether charters should be issued. I stated that we would, in the future, discuss with you and your associates in Joint Council No. 16, the issuing of new charters in the New York area. I made it very clear, however, that it was my duty, to point out that after having accorded Joint Council No. 16 the opportunity to discuss the issuance of charters, that in the future I reserve the responsibility and the right to make such a determination in the future in the General President's office and that we reserve the right, after having had such a discussion, to disagree with the position taken by Joint Council No. 16 and to issue charters under those conditions. By having discussions on such questions we ought to reduce to a very low minimum the number of cases where we might be in disagreement.

Some discussion was held over the question of the granting of strike sanctions. I pointed out that in the past year, we had perfected certain procedures, prepared certain forms, insisted upon certain sanctions.

EXHIBIT No. 129—Continued

Mr. Lacey
June 16, 1954
Page 2.

information before this office would process and grant strike sanction in any dispute, regardless of where that organization might be located. Our local unions in Joint Council No. 16 will be treated exactly as other local unions are treated in compliance with the required information before strike sanction is granted. It was called to my attention by one of the representatives present at the meeting, that in his opinion, there has been undue delay in obtaining the recommendations necessary to process a strike request on the part of Vice-President Hickey. This matter will be taken up with Vice-President Hickey and I assure you that, while we must insist that we have the recommendation of the Vice-President before we act upon a strike request, that there shall be no undue delay in making the necessary investigation and recommendations back to this office.

We discussed the Eastern Conference and the position of Joint Council No. 16 in relation to the Eastern Conference. We cannot agree that the instructions to local unions, for whatever reasons, to withhold their tax to the Eastern Conference by action of Joint Council No. 16, was proper. We did state, however, that those matters were now behind us and that we were perfectly willing to start anew as of yesterday and it was my understanding, following the meeting, that the Joint Council will now line itself up along with the other organizations in the east and become full, participating members of the Eastern Conference.

We discussed the function of the Eastern Conference office in New York. This office was established prior to the actual formation of the Eastern Conference of Teamsters. It was established in New York to function primarily as an organizing office and that should continue to be its primary function. Any confusion that may have arisen by the use of stationery whose letterhead states that it is the Eastern Conference of Teamsters, will be clarified by properly identifying the New York office as being an office separate and distinct from the main office of the Eastern Conference of Teamsters. The statement was made that you and your associates had not had any opportunity to meet our representative, George Baldanzi. I shall make it my business to arrange a meeting with the officials of Joint Council No. 16 and George Baldanzi for the purpose of getting you acquainted with him and to let him outline part of the program that he has in mind for an organizing campaign in the New York area.

EXHIBIT No. 129—Continued

Mr. Lacey
June 16, 1954
Page 3.

We spent some time discussing the New York waterfront situation. It has been no secret that there has not been a one hundred per cent agreement on the position of the AFL and of our International Union and some of our associates in the New York Joint Council as it pertains to the New York waterfront. Individuals have the right to disagree on this or any other question. However, the office of the International Union, going along with the announced position of the AFL, took a firm stand that we would support the AFL to clean up the New York waterfront. In the instance of our own International Union, we had the job of securing for our people the work which is properly our jurisdiction, namely, the loading of trucks on the New York waterfront. I explained that there had been no change in that position and that we certainly needed and expected the cooperation of our Teamster movement in New York to accomplish this objective. I brought up the question of an independent movement sponsored by the ILA to organize into their membership drivers, members of our organization in New York. I was gratified, as I am sure all of your associates were, to hear Johnnie O'Rourke announce that he had definitely told the ILA (Ind.) that in New York we were all Teamsters first and that any differences amongst ourselves would in no way interfere with our standing together and fighting, if necessary, to prevent the establishment of any independent organization amongst the membership of our Teamster unions in New York.

We all tried to keep the discussion away from personalities. I realize that this is not always easy, particularly as it relates to the situation at New York. I want to briefly again restate the position of our office in regard to Vice-President and General Organizer, Thomas Hickey. Tom Hickey has been elected by our Convention to be a member of our General Executive Board. Daniel J. Tobin, when he was President, appointed Hickey to also be the General Organizer for the New York area. This office intends to give full support to Vice-President Hickey in his capacity as Vice-President and General Organizer. Knowing you and something about your philosophy as it applies to your associates, I am sure that in a similar position, you would want it definitely understood that this office should and will support its representative, who in this instance happens to be Vice-President Hickey. I did state to you and your associates that if problems arise that involve the relationship between Vice-President Hickey and the officials of Joint Council No. 16 over which some disagreement might occur, that we would be very happy to get your side of such a disagreement and that we would then reserve the right to discuss the matter with Hickey. The final decision on such policy

EXHIBIT No. 129—Continued

Mr. Lacey
June 16, 1954
Page 4.

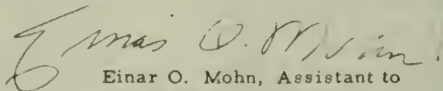
matters will always rest with the General President's office and the situation in New York will certainly not be treated any differently than it would in any other section of the country.

I pledged the support of this office to work with the Joint Council on any problem that might arise in New York or vicinity. I was convinced after the meeting that it was the sincere desire of all of your associates who were present, to diligently work and cooperate with our program here at the national office as well as with the Eastern Conference of Teamsters.

We are more than pleased with the selection of Joe Trerotola as the Secretary-Treasurer of the Eastern Conference of Teamsters. We feel that the appointment of Joe should go a long ways to establishing a much closer working relationship between the Joint Council at New York, our Eastern Conference of Teamsters and the International Union office. I promised you, Marty, that I would discuss with Dave your desire to sit down with him privately on his next visit to the east. He assured me by telephone that he would be glad to spend a couple of hours in discussion of any of the problems that you might have in mind to take up with him. The work at the office and the time permitting, I am going to plan on spending a day a week in New York for the next four or five months. I will arrange my time and my work so that when I come to New York, I will contact your office and take up with you any of the current problems that might exist.

This, I believe, covers basically the matters that were discussed and the assurances that were given as to our future relationships. They are of no consequence, Marty, unless both of us work real hard to bring about the objectives that were under discussion.

Fraternally yours,



Einar O. Mohn, Assistant to
the General President.

EOM:aw

EXHIBIT No. 130

MINUTES OF EXECUTIVE BOARD MEETING OF JOINT COUNCIL #16, I.R.T.
Monday, December 12, 1955

A regular meeting of the Executive Board of Joint Council #16 was held at the Joint Council office, Room 709, 265 West 11th Street, New York City on Monday, December 12th at 10:00 A. M.

The meeting was called to order at 10:10 A. M. by President, Martin T. Lacey.

ROLL CALL OF OFFICERS:

Martin T. Lacey, President	Present
Joseph Trerotola, Vice-Pres.	"
Louis Lufrano, Sec'y-Treas.	"
Leonard R. Geiger, Rec-Sec'y.	"
Joseph Parisi, Trustee	"
Harry Schoback, Trustee	"
Harry Bessler, Trustee	"

ADVISORY BOARD:

Thomas Reilly, Local 543	Absent - excuse
John Eck, Local 81	Present
John De Lury, Local 931	"
Dennis Crotty, Local 802	Absent - excuse

COMMUNICATIONS:

Copy of letter sent to Alfred Regen, Local 517 by Joint Council #73 relative to affiliation. File

Data from Local 126, I. R. T., Wisconsin relative to strike at Fred Rueping Leather Company. File

Letter from the New York Brewery Workers Joint Board advising of the election of John Hoh as secretary. Board recommended that Brother Hoh be seated as Local delegate.

Letter from the International relative to the Flight Engineers and the Air Line Pilots Association. Executive Board ruled to follow past practices regarding picket lines.

Communications from Local 810 outlining various and assorted complaints. Tabled. Future letters of a similar nature to be left in the hands of the Chairman to be straightened out.

Seals from the New York Tuberculosis Association. Tabled

Data on the American Chicle situation. Board ruled to continue the same course of action already agreed upon.

Correspondence relative to Remington Rand Company. File

Letter from the March of Dimes with request to adopt a resolution to support their drive. Referred to Central Trades and Labor Council.

EXHIBIT No. 130—Continued

EXECUTIVE BOARD MINUTES

- 2 -

December 12, 1955

Data on taxi situation. Referred to meeting of committee in January.

Letter from Local 522 requesting Council to take an ad in their journal in connection with their Second Anniversary Dance. File

Copy of a letter sent to Local 854 by Local 814 requesting that Local 854 carry out the instructions of Joint Council #16 in turning over the contract at Gerald O. Kaye and Associates Corporation and a letter from Local 854 advising the Council that they will appeal the decision of the Council to the International. File

Tickets for the luncheon honoring George Meany and Walter Reuther Tuesday, December 13th sponsored by the National Religion and Labor Foundation. Joint Council to be represented at the luncheon.

Letter from Local 272 outlining complaint against Local 32B of the Building Service Employees Intn'l. Union. The Board endorsed the position taken by Local 272. Chairman to assist 272 in this direction.

Letter from Local 875 requesting the seating of the following: Jack Berger, President; Nathan Carmel, Vice-President; Aaron Kleinman, Secretary-Treasurer; Joseph Riorito, Recording Secretary; Bill Phillips, Trustee; Charles Englebracht, Trustee; and Al Marino, Trustee. Executive Board recommended that they be seated.

Letter from Local 917 requesting the seating of Emil Kuska, Trustee. Executive Board recommended his seating.

Letter from Local 813 and 807 regarding rubbish removal work at the American Banknote Company. Board ruled that Brother Strong, Local 807 and Brother Adelstein, Local 813 attempt to resolve the dispute.

Brother Kaplan was invited to report on the possibility of establishing a pension plan for Local officials. Chairman to appoint a committee to investigate into the cost and benefits of a pension plan.

Letter of appeal from members of Local 202. Chairman to answer.

Copy of letter sent to member of Local 814 by said Local regarding steady employment. File

Letter from Local 239 advising Council of their organizational activities for the month of November. File

Telegram from Pocketbook Workers protesting picket line of Local 138 at A. J. Siris, 780 E. 134th St., N. Y. C. File

Letter from Local 707 requesting the seating of the following:

EXHIBIT No. 130—Continued

EXECUTIVE BOARD MINUTES

- 3 -

December 12, 1955

Vincent Doyle, President; Alfred Smith, Sr., Vice-President; John J. Flaherty, Secretary-Treasurer; Thomas Sweeney, Recording Secretary; Frank Connolly, Trustee; Dan Spero, Trustee; and John Mc Namara, Trustee. Executive Board recommended that they be seated.

Requests for the seating of delegates from the following Local Unions: 294, 258, 269, 284, 362 and 651. Chairman to write to the International requesting information as to whether or not charters were issued to these Local Unions and if issued, to send a copy of the application for charter for each of the Locals to the Joint Council office. Pending report from the International, communications tabled.

Brother Trerotola made a partial report on the Beck dinner. A more detailed report will be made when all data is available.

A motion was made, seconded and carried that nominations for Joint Council officers will be held at the next meeting in January, 1956.

There being no further business to discuss, the meeting was adjourned at 12:20 P. M.

Respectfully submitted,

LRG:VM
oeiu-113

Leonard R. Geiger,
Recording Secretary

EXHIBIT No. 131

MINUTES OF MEETING OF JOINT COUNCIL #16, I. B. T.
Tuesday, December 13, 1955

A regular meeting of Joint Council #16, I. B. T. was held at Roosevelt Auditorium, 100 East 17th Street, New York City on Tuesday, December 13, 1955 at 6:00 P. M.

The meeting was called to order at 6:00 P. M. by President, Martin T. Lacey.

The minutes of the previous Council meeting of October 11th were read and adopted.

The minutes of the Executive Board meetings of October 19th, October 27th, November 7th and December 12th were read and adopted.

COMMUNICATIONS:

Data from International relative to Local #10 and #11 and their affiliation with one Joint Council. Read and filed.

The Financial Report for the fiscal year ended September 30, 1955 was read.

Letter from Local 552 advising of their organizing drive. Read and filed.

Request for the seating of delegates from the following Local Unions:

Local 240: Rocco Liguori, President; Jack Seigel, Vice-President; Murry Goodman, Secretary-Treasurer; Oscar Weiss, Recording-Secretary; Joe Rothenberg, Trustee; William Ennis, Trustee; and Rocco Croce, Trustee.

Local 550: Jack Scherer, Vice-President Business Agent and James Maunsch, Trustee.

Local #10: Henry P. Melany, Delegate; Peter Maruka, Organizer; Isidore Pinsker, Organizer and John Babin, Organizer.

Local 719: Jack Roth, President; A. L. Hoffman, Vice-President; John J. De Lury, Secretary-Treasurer; Ernest Munkel, Recording-Secretary; Paul Lacey, Trustee; James I. Hoffman, Trustee and Joseph P. Smith.

Motion made, seconded and carried that delegates be seated.

ROLL CALL OF LOCAL UNIONS:

<u>LOCAL UNION</u>	<u>PRESENT-PROGRESS</u>
1	" "
8	" "
27	" No report

EXHIBIT No. 131—Continued

COUNCIL MINUTES

- 2 -

December 10, 19

<u>LOCAL UNION</u>	<u>PRESENT-PROGRESS</u>
124	" "
139	Absent
157	Present No report
202	" No report
210	" Progress
237	Absent
239	Present Progress
240	" "
266	Absent
272	Present Progress
277	" "
282	" "
323	" "
338	" No report
363	" Progress
424	" No report
445	" Progress
456	" "
522	Absent
540	" Reported that negotiations with the Bakery Industry were terminated and stated that a pension plan was established. Thanked Council for assistance.
543	" Brother Delahanty asked for strike endorsement for 2,000 members in the Coal and Fuel Industry. Granted.
594	" No report
602	" Progress
607	" "
643	" No report

EXHIBIT No. 131—Continued

COUNCIL MINUTES

- 3 -

December 13, 1955

<u>LOCAL UNION</u>	<u>PRESENT-PROGRESS</u>
707	" "
740	" "
757	" "
802	Absent
824	Present Progress
805	" No report
807	" No report
808	" Progress
810	" "
812	" No report
813	" Brother Adelstein reported that contract was settled on November 29th with the Private Sanitation Industry and outlined all the gains that were made.
814	" Progress
815	" "
816	" Brother Brunie reported settlement of contract with the Commissary Employers.
817	" Progress
818	" "
819	" No report
820	Excused
826	Present Progress
831	" "
832	Absent
852	Present Progress
911	" "
862	Absent
875	Present Progress
917	" "

EXHIBIT No. 131—Continued

COUNCIL MINUTES

- 4 -

December 13, 1955

<u>LOCAL UNION</u>	<u>PRESENT-PROGRESS</u>
1039	" "
1096	Absent
1205	Present Progress
1245	" "

COMMITTEE REPORTS:

NONE

UNFINISHED BUSINESS:

NONE

NEW BUSINESS:

NONE

SPECIAL ORDER OF BUSINESS:

NONE

GOOD AND WELFARE:

NONE

There being no further business to discuss, the meeting was adjourned at 7:00 P. M.

Respectfully submitted,

JT:VM
o-fu-153

Joseph Trerotola,
Vice-President

EXHIBIT No. 133

PHONE STILLWELL 6-3235



AFFILIATED WITH
AMERICAN FEDERATION OF LABOR
CENTRAL TRADES AND LABOR COUNCIL

*International Brotherhood of Teamsters, Chauffeurs, Warehousemen
and Helpers of America*
LOCAL 275
45-02 23RD STREET
LONG ISLAND CITY, N. Y.

116

January 1, 1951

To: Mr. J. J. ...

U. S. Court

R. D. of N. Y.

JAN 16 1951

Mr. Martin T. Lacey, Pres.
Joint Council #1
100 West 14th Street
New York, N. Y.

Dear Sir & Brothers:

The following is a list of officers of Local 275,
who are subject to investigation by the U. S. Court.

Milton Levine, President
Irving Miller, Vice President
Joseph Martin, Secretary-Treasurer
John Davis, Corresponding Secretary
Joseph Adams, Editor
William Brown, Tax Collector
Maxwell Miller, Clerk
Sam Miller, Business Manager
Joseph Goldstein, Representative

We are also making a request that Local 275 be
admitted to membership in "Joint Council #1".

Please advise the writer as to when and where we will
see any further information or action. We will
be properly dealt with by other Committee members
with Joint Council #1.

Sincerely yours,

Milton Levine
Milton Levine
President

ML:EV

EXHIBIT No. 137

January 27, 1956

Mr. John P. English,
General Secretary-Treasurer,
International Brotherhood of Teamsters,
Chauffeurs, Warehousemen and Helpers of America, Inc.,
25 Louisiana Avenue, N.W.,
Washington, D.C.

Dear Sir and Brother:

Enclosed please find an appeal to the General Executive Board, from the decision of the President of Joint Council No. 16 in refusing to entertain a motion to seat delegates of Locals 253, 269, 284, 295, 362 and 651.

A copy of these charges was sent, by telegram, to the General President, the Chairman of Eastern Conference of Teamsters, Assistant to the General President, and the President of Joint Council No. 16.

Fraternally yours,

Leonard R. Geiger
Recording Secretary,

Joint Council No. 16,
265 West 14th Street,
New York City.

EXHIBIT No. 141

BECK PUTS OLD FOE IN KEY TRUCK POST

**Union Shake-Up Gives Power
to O'Rourke With Strike
Deadline 4 Days Off**

By STANLEY LEVY

Four days before Friday's midnight truck-strike deadline, Dave Beck, president of the International Brotherhood of Teamsters, A. F. L., ordered yesterday a complete shake-up of the union's negotiating committee.

This internal upheaval, which elevated John O'Rourke, president of Local 282—and oddly enough a longtime Beck opponent—to the leadership of the group, appeared to increase the likelihood of a general trucking strike in the metropolitan area.

At any rate, the event overshadowed by far the other developments in the truck situation. These were:

1. The reaching of an impasse between the union, representing 30,000 drivers, and bargainiers for 3,500 trucking employers. The union insisted on its demand for a 25-cent package, and the com-

panies refused to go beyond their earlier 10-cent package offer.

2. An appeal from the Commerce and Industry Association to President Eisenhower asking him to appoint a board of inquiry, looking toward a Taft-Hartley injunction enjoining the strike as a national emergency. The association said the vital industrial area from Trenton to Poughkeepsie, N. Y., including this city, would feel the effects of the stoppage.

3. The calling in of Federal, state and city mediators. These labor peacemakers met with the parties several times during the afternoon at the Henry Hudson Hotel and will be present again when talks resume tomorrow.

In advancing Mr. O'Rourke in the teamster hierarchy in New York, Mr. Beck pulled the rug out from under two of his staunchest supporters. They are Thomas L. Hickey, an international vice president, and John E. Strong, president of the big Local 807, the largest teamster affiliate here.

The official Beck line on the demotion of Mr. Hickey, who had been chairman of the bargaining committee, and Mr. Strong, who had been its recording secretary, was that the teamster head was not interested in personalities but in results. He was said to feel that Mr. O'Rourke could pull together the diverse, and frequently quarrelling, factions in the union.

Fellows Policy of Autonomy

Mr. Beck's ostensible reason for getting rid of Mr. Hickey was that the international union should have nothing to do with the negotiations, in line with the teamsters policy of local autonomy. However, international vice presidents have played an active role in other union negotiations notably in the Midwest.

To bolster this reasoning Mr. Beck directed the special committee of teamster vice presidents which had been brought in last week when the negotiations broke down to bow out of the picture. But there appeared to be no doubt that Mr. O'Rourke had the solid backing of James Hoffa, vice president from Detroit, and John O'Brien of Chicago. Both men were much in evidence during the day.

The resurrection of Mr. O'Rourke came just a year after he survived a bitter battle within his own union, which would have

about 400 drivers involved in the event of a strike. More significantly it came but five months after Mr. O'Rourke had publicly opposed the American Federation of Labor—and teamster (Beck)—position in the struggle for control of the Port of New York between the A. F. L. and the old International Longshoremen's Association.

Decounced Beck Last May

Mr. O'Rourke appeared at an I. L. A. rally last May and in the course of his address denounced Mr. Beck for his sponsorship of the A. F. L. dock rival and identified himself as a friend and associate of such I. L. A. officials as Harold Bowers, business agent of the old pier union's "Pistol" Local 382.

The indications were that Mr. O'Rourke had put over a power play with the assistance especially of Mr. Hoffa and with the approval of Mr. Beck. The development left many observers wondering what would come next.

Mr. Strong was obviously indignant. When he was asked for a comment, he said "For what I'm think they could put me in jail." Asked if Local 807, with 3,000 drivers, would accept the leadership of Mr. O'Rourke, he said "Never."

But it appeared to some observers that he would have no alternative. With Mr. O'Rourke running things, it appeared increasingly unlikely that the union would cut its 25-cent package demand. This would make it difficult for Local 807 to seek separate agreements with employers for less than that amount.

Employers Indicate Dismay

Joseph M. Adelizi, chairman of the employers' bargaining group, had no comment to make, but other company representatives indicated they were dismayed. Management officials will meet this morning at the Henry Hudson Hotel and will issue a statement at the conclusion of their session. Mr. Adelizi said his group would have something to say about the O'Rourke development at that time.

The day's events came to a curious end with the appearance on the second floor of the hotel where the negotiations took place of John Fitzgerald (Johnny Dio) convicted garment industry extortionist who recently was a power in the United Automobile Workers A. F. L. Dio warmly greeted Mr. Hoffa, the teamster vice president from Detroit, asked to speak privately with him for two minutes and announced he was looking for a job.

Mr. Hoffa who appeared to know Dio well said at that point: "Well, you always know where you can get one."

New York Times,
October 12, 1954

EXHIBIT No. 143A

*By Freight Chauffeurs
Warehousemen and others*

Chauffeurs, Warehousemen 295
 Air Freight/Chauffeurs/Warehousemen
 New York ~~NY~~ Area

Letterhead: [illegible]
 [illegible]
 [illegible]
 [illegible]
 [illegible]
 [illegible]

Charter dated November 9, 1955

Spz

EXHIBIT No. 143B

WAREHOUSE AND PROCESSING LOCAL UNION
Greater New York Area - New York, N. Y.

362

W. H. Processing

Suggested Local No. 362

Charter Members: Berdie Talkow
Arthur Scott
Abe Frier, Secy-Treas.
Murray Flatow
George Livins
Alice Maribault
Santiago Vazquez

Charter dated November 8, 1955

[Signature]

EXHIBIT No. 143C

WAREHOUSE AND PROCESSING LOCAL UNION
Greater New York Area - New York, N. Y.

208

U.S. District Court, S.D.N.Y.

Order: Members: J. Lee, Curcio, Smo - Trees.

Frank West

Robert G. Lee

John A. Bell

Charles H. Lee

Robert G. Lee

George H. Lee

Charter dated November 8, 1955

EXHIBIT No. 143D

WAREHOUSE AND PROCESSING LOCAL UNION
Greater New York Area - New York, N. Y.

Charter dated November 9, 1954

Handwritten signature/initials

EXHIBIT No. 143E

WAREHOUSE AND PROCESSING LOCAL UNION
Greater New York Area - New York, N. Y.

Local Union No. 143E

Local Union No. 143E

Local Union No. 143E

Local Union No. 143E

Local Union No. 143E

Local Union No. 143E

Local Union No. 143E

Local Union No. 143E

Charter dated November 11, 1955

Handwritten signature

EXHIBIT No. 143F

WAREHOUSE AND PROCESSING LOCAL UNION
Greater New York Area - New York, N. Y.284Suggested Local No. 284

Charter Members: Harry Reiss
David Losertino
Sidney Hodes, Secy-Treas.
Arthur Santa Maria
Dominic Santa Maria
Frank Virilio
Alfred Petruzza

Charter dated November 8, 1955

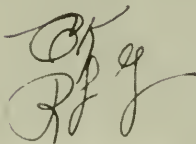
A handwritten signature in dark ink, appearing to be 'C. J. R. J.', is located at the bottom left of the document.

EXHIBIT No. 143G

WAREHOUSE AND PROCESSING LOCAL UNION
Greater New York Area - New York, N. Y.

275

Suggested Local No. 42

Charter Members: Daniel Grustein
Sam Getler
Fred Russell
George Lata
Martin Smith
Harold Thomas
James Watkins

} Names listed
on Charter

Charter dated November 8, 1955

EXHIBIT No. 144

Local Union 295

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA

American Federation of Labor

375 NINTH AVENUE • NEW YORK 1, N. Y. • TEL. MU 2-1117



November 10, 1955

Mr. Martin T. Leary, President
Teamsters Joint Council #1212
100 West 10th Street
New York City, New York

Dear Sir and Brothers:

Local Union 295 herewith respectfully
requests the Joint Council to seat the following
named as delegates to the Council.

Michael Burton
Timothy King
John McFarlane
Jack Meyer
Frank Thompson
James J. Smith
Michael J. Smith

President
Vice President
Secretary-Treasurer
Committee Chairman
Committee
Committee
Committee

Seal of Local Union 295
Secretary-Treasurer

EXHIBIT No. 145A

Local Union 295

INTERNATIONAL BROTHERHOOD OF TEAMSTERS CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA
American Federation of Labor

421 NINTH AVENUE • NEW YORK 1, N. Y. • LACKAWANNA 4-7167



February ,

Mr. John J. ... President,
Joint Council #16
265 West 14th Street
New York City, New York

Dear Sir and Brother:

We have your registered letter dated February 3rd, which acknowledges a letter from General President Dave Beck, dated February 1,

The following is the names and titles of the officers of this Local Union who are eligible to vote in the Joint Council election.

President	Michael Burton
Vice President	Timothy Ring ✓
Secretary-Treasurer	John McNamara ✓
Recording Secretary	Jack Meyer
Trustee	James Costa ✓
Trustee	Ernest Hogenbirk ✓
Trustee	Sam Berkofsky

Fraternally Yours,

John McNamara
John McNamara
Secretary-Treasurer

J. Furutaka
J. Furutaka

EXHIBIT No. 145B

Local Union 295

Affiliated with the

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA
American Federation of Labor

421 NINTH AVENUE • NEY YORK 1, N Y • LACKawanna 4-7162



February 6, 1956

Joint Council #16
265 West 14th Street
New York, New York

Dear Sir and Brother:

This will certify that the bearer,

John McNamara

is an Executive Board member of
Local 295 and is eligible to vote
in the Joint Council election.

Fraternally Yours,

John McNamara
John McNamara
Secretary-Treasurer

EXHIBIT No. 145C

Local Union 295

Affiliated with the

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA

American Federation of Labor

421 NINTH AVENUE • NEY YORK 1, N Y • LACKawanna 4-7162



February 6, 1956

Joint Council #16
265 West 14th Street
New York, New York

Dear Sir and Brother:

This is to certify that the bearer.

James Costa

is an Executive Board member of
Local 295 and is eligible to vote
in the Joint Council election.

Fraternally Yours,

John McNamara
John McNamara
Secretary-Treasurer

EXHIBIT No. 145D

Local Union 295

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA
American Federation of Labor

421 NINTH AVENUE • NEW YORK 1, N. Y. • LArkwa 4-7162



February 6, 1956 .

Joint Council # 16
265 West 14th Street
New York City, New York

Dear Sir and Brother:

This will certify that the bearer,

Michael Burton

is an Executive Board member of
Local 295 and is eligible to vote
in the Joint Council election.

Fraternally Yours,
John McNamara
John McNamara
Secretary-Treasurer

EXHIBIT No. 145E

Local Union 295

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA
American Federation of Labor

421 NINTH AVENUE • NEW YORK 1, N. Y. • LACKAWANNA 4-7162



February 6, 1956

Joint Council #16
265 West 14th Street
New York, New York

Dear Sir and Brother:

This will certify that the bearer,

Ernest Horenbirk

is an Executive Board member of
Local 295 and is eligible to vote
in the Joint Council election.

Fraternally Yours,

John McNamara
John McNamara
Secretary-Treasurer

EXHIBIT No. 145F

Local Union 295

Affiliated with the

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA

American Federation of Labor

421 NINTH AVENUE • NEW YORK 1, N Y • LAckawanna 4-7162



February 6, 1956

Joint Council #16
265 West 14th Street
New York, New York

Dear Sir and Brother:

This will certify that the bearer,

Timothy Ring

is an Executive Board member of
Local 295 and is eligible to vote
in the Joint Council election.

Fraternally Yours,

John McNamara
John McNamara
Secretary-Treasurer

EXHIBIT No. 152

(18)

WALDMAN & WALDMAN
COUNSELORS AT LAW

305 BROADWAY
NEW YORK 7, N. Y.
WORTH 2-4212-3

LOUIS WALDMAN
SEYMOUR M. WALDMAN
PAUL R. WALDMAN
BELLA S. WALDMAN
MARTIN MARKSON

March 22, 1957

David Previant, Esq.
212 West Wisconsin Avenue
Milwaukee, Wisc.

Dear David:

I am writing to you concerning a matter which ordinarily would have been taken up by us with Mr. James R. Hoffa directly but in view of his other pressing problems at the moment, I felt I ought to write to you about it rather than to him.

On March 6, 1956, on the eve of the closing of the prospective loan by the Central, Eastern and Southern Teamster Conferences, we mailed from our office to Mr. Hoffa at the Shoreland Hotel, Chicago, duly signed and executed notes by the International Longshoremen's Association to those three Conferences, in the sum of \$491,523.87.

As you know, this loan never was consummated and on April 27, 1956 all contracts and agreements between the International Brotherhood of Teamsters and the ILA were formally dissolved. The notes, however, were never returned by Mr. Hoffa either to the ILA or to us.

The ILA has now requested us to obtain the return of these notes.

We will appreciate it if you will arrange for the return of those notes to us at the earliest date possible. Perhaps you even have them in your files, in which case the problem is simple. If not, may we trouble you to communicate with Mr. Hoffa and ascertain the whereabouts of those notes so that we may reassure the ILA of their early return. If you believe we should write to Mr. Hoffa directly, be good enough to let me know and I will do as you say.

With kindest personal regards, I am

Sincerely yours,

WALDMAN & WALDMAN

LW/vl
AIR MAIL

By _____

EXHIBIT No. 156

File

DAVE BECK
General President



International Brotherhood of
**TEAMSTERS, CHAUFFEURS
WAREHOUSEMEN & HELPERS**

AFFILIATES WITH THE AMERICAN FEDERATION OF LABOR

Joint Council
16-Charter Election
Dispute
Regional Office
of America
New York

1845 BROADWAY NEW YORK 23 N.Y. • PLAZA 7 3420

OFFICE OF
JOSEPH KONOWE

December 5th, 1956

Mr. Einar Mohn
International Brotherhood of Teamsters
15 Louisiana Avenue, N.W.
Washington 1, D.C.

Dear Brother Mohn:

I spoke to Buddy Graham this morning and gave him the details of last night's meeting of the Joint Council, as well as some action which will take place today concerning Milton Holt of Local 65.

The telegrams from you were not read on two grounds. One, that they arrived late in the afternoon according to O'Rourke, consequently we had no way of knowing who had gotten them and when I questioned O'Rourke as to why the telegrams were not brought on the floor, he gave the additional reason that, "something was cooking and things might be straightened out". I hope so.

The meeting for nominations has been called for January 8th and we shall see what we shall see.

I must confess that all your comments the other day were 100% accurate as regards the situation here and I have made my mind up that I had better keep quiet so that I will not be doing a dis-service to the International or to my own local.

As Buddy has probably told you, the two lawyers' bills totaling \$43,000.00 were approved for payment without even a word of explanation and nobody asked a question. It seems utterly unbelievable.

Would appreciate your returning the two enclosed checks which are for a two week period ending December 7th, 1956 and the check to the local includes my plane fare to Washington last week.

With best regards, I remain,

Fraternally yours,

Joseph Konowe

JOSEPH KONOWE
Regional Director

JK:aw
Encl.

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